

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 10

In the Matter of:

Amazon.com Services, LLC, Case No. 10-RC-269250

Employer,

and

Retail, Wholesale and
Department Store Union,

Petitioner.

Place: Atlanta, Georgia (via Zoom Videoconference)

Dates: May 10, 2021

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UNITED STATES OF AMERICA
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DEPARTMENT STORE UNION,

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Case No. 10-RC-269250

The above-entitled matter came on for hearing, pursuant to notice, before **KERSTIN MEYERS**, Hearing Officer, at the National Labor Relations Board, Region 10, Peachtree Summit Federal Building, 401 W. Peachtree Street, NE, Suite 2201, Atlanta Georgia, 30308, on **Monday, May 10, 2021, 10:08 a.m.**



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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Darryl Richardson	46, 89,	102			87, 92
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Jennifer Bates	181	218, 229			

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P R O C E E D I N G S

MR. JOHNSON: Thank you, Your Honor, Madam Hearing Officer. In SharePoint right now, we have a file that says joint exhibits or a folder that says joint exhibits and hearing -- which are contained on Joint Exhibit 1, the Decision and Direction of Election in this case; Joint Exhibit 2, the notice of election in this case relating to the mail ballot election; and Joint Exhibit 3, the instructions to eligible voters that went out in this case. And we would move them as joint exhibits with agreements of the Petitioner. As -- yeah, Decision and Direction of Election would be 1. The notice of election would be 2. And the instructions to eligible voters would be Joint Exhibit 3.

MR. DAVIES: Yep. We are in agreement with the submission of those joint exhibits, Madam Hearing Officer.

HEARING OFFICER MEYERS: Excellent. Hearing no objections, it's -- Joint Exhibits 1 through 3 are received into evidence.

(Joint Exhibit Numbers 1 through 3 Received into Evidence)

HEARING OFFICER MEYERS: Mr. Davies, can the Petitioner please call its first witness?

MR. DAVIES: Yes. I'm turning that over to Mr. Rouco.

MR. ROUCO: Yeah. We can call -- the first witness is Darryl Richardson.

HEARING OFFICER MEYERS: Mr. Richardson, could you take

1 yourself off mute if you're on mute?

2 MR. ROUCO: I -- I think he's calling in from his home.
3 And I think that he -- he -- he may be using his phone, so I
4 saw him earlier on the list of participants.

5 MR. JOHNSON: Richard, can I ask a quick question?

6 MR. ROUCO: Yes, sir.

7 MR. JOHNSON: Can we get what objections Mr. Richardson
8 will be testifying about?

9 MR. ROUCO: Yes. But let me see if he's on there.

10 MR. JOHNSON: Okay.

11 HEARING OFFICER MEYERS: Mr. Richardson was on earlier,
12 but he appears to have been -- disappeared off of my list.
13 Maybe he's having computer issues as well.

14 MR. ROUCO: Yeah. If -- if I can have a second, I'll --
15 I'll try to reach him.

16 HEARING OFFICER MEYERS: All right.

17 MR. RICHARSON: Hello?

18 HEARING OFFICER MEYERS: Woops. Mr. Richardson, I'm
19 sorry. I was muted. Can you do me a favor and please take off
20 the filter that you have as your background? That's one of our
21 rules for witnesses.

22 MR. RICHARDSON: Okay. I'm sorry.

23 HEARING OFFICER MEYERS: Just need to make sure there's
24 not somebody in the background.

25 MR. RICHARDSON: Okay.



1 HEARING OFFICER MEYERS: All right. Thank you, sir.

2 MR. RICHARDSON: You're welcome. You're welcome.

3 HEARING OFFICER MEYERS: All right. And Mr. Rouco, can
4 you please let me know what -- what objections he'll be
5 testifying to? Richard, I think you're muted.

6 THE COURT REPORTER: Hey, Madam Hearing Officer, you may
7 just want to deal with the virtual background problem.

8 HEARING OFFICER MEYERS: Yep, hold on. Might be a TM card
9 just got bumped and the screen went black, so bear with me.

10 MR. ROUCO: Sorry about that.

11 HEARING OFFICER MEYERS: No worries. Can you -- first, my
12 computer's logging me back in so --

13 MR. ROUCO: Yeah, we've had a couple --

14 HEARING OFFICER MEYERS: -- which -- it had kicked me out.

15 Mr. Richardson, can -- do you know how to take the
16 background screen down?

17 MR. RICHARDSON: Oh, okay. Okay.

18 HEARING OFFICER MEYERS: Thank you. And while he's busy
19 doing that, Richard, can you -- Mr. Rouco, can you tell us
20 which objections Mr. Richardson --

21 MR. ROUCO: Yeah. It -- it -- his testimony will be
22 fairly extensive in terms of objections. He will -- he will
23 testify to objection 7, objection 8, objection 9, objection 10,
24 objection 16, objection 13 -- I'm sorry. I -- I jumped around.
25 13 --

1 HEARING OFFICER MEYERS: Okay. 13, 12 -- is that what you
2 said?

3 MR. ROUCO: It would be 12, 13, and 22, and 23 and -- and
4 may cover more stuff too, but that -- that's what it's going to
5 cover for now.

6 HEARING OFFICER MEYERS: I think we're all back. We're --
7 is everybody -- can everybody hear? That -- Mr. Richardson,
8 can you --

9 MR. ROUCO: Yes. Darryl -- yes.

10 HEARING OFFICER MEYERS: -- move your screen around so
11 it's facing you?

12 MR. RICHARDSON: Okay. I need to let -- I got it.

13 HEARING OFFICER MEYERS: All right, excellent. Thank you,
14 sir. All right.

15 MR. RICHARDSON: You're welcome.

16 HEARING OFFICER MEYERS: Could you please raise your right
17 hand? We're -- first, let me make sure.

18 Mr. Rouco, was that all of the objections?

19 MR. ROUCO: Yeah. I mean, I -- I assume I'm not limited,
20 right?

21 HEARING OFFICER MEYERS: No, but if you change and add,
22 please let me know. Mr. Richardson.

23 MR. DAVIES: Wait. Can I jump in for just a second?

24 HEARING OFFICER MEYERS: Certainly.

25 MR. DAVIES: Can you just remind everybody about the

1 sequestration order?

2 HEARING OFFICER MEYERS: Yeah. Mr. Richardson and anybody
3 else that's on this call, the parties have invoked the rule of
4 a sequestration, which means that no potential witnesses can be
5 in the hearing room during Mr. Richardson's testimony, nor can
6 Mr. Richardson discuss his testimony or potential testimony
7 with any of the witnesses or with counsel absent permission.

8 Mr. Richardson, thank you for raising your right hand.
9 Whereupon,

10 **DARRYL RICHARDSON**

11 having been duly sworn, was called as a witness herein and was
12 examined and testified, telephonically as follows:

13 HEARING OFFICER MEYERS: Thank you, sir.

14 Your witness, Mr. Rouco.

15 MR. ROUCO: Thank you.

16 **DIRECT EXAMINATION**

17 Q BY MR. ROUCO: Good morning, Mr. Richardson.

18 A Good morning.

19 Q Could you please tell us where you reside?

20 A I work at Amazon.

21 Q Well, what -- where does your home -- what -- where do you
22 live?

23 A Oh, in Tuscaloosa, Alabama.

24 Q Okay. And before I ask you any questions, is there anyone
25 in the room with you right now?



1 A No, ma'am. No, sir.

2 Q Okay. Now, where are you currently working, Mr.
3 Richardson?

4 A At Amazon in Bessemer, Alabama.

5 Q And the -- tell me: What do you do at Amazon?

6 A I'm a picker.

7 Q Can you -- I'm sorry. Can you increase the volume of your
8 phone?

9 MR. ROUCO: See if I can -- if I -- is everyone having a
10 problem hearing him? Can everyone hear him clearly?

11 HEARING OFFICER MEYERS: I can hear him, but if his
12 microphone was closer, we could probably hear him better.

13 MR. ROUCO: Okay. All right. Well, we'll -- we'll do
14 what we can then.

15 Q BY MR. ROUCO: Can you describe for the hearing officer
16 briefly what a picker does?

17 A A picker is a -- we -- we pick the items -- we pick the
18 items from the pallet. And we put them in a tote. And after
19 the tote get 75 percent full, we push it to the conveyer line,
20 and it go to a packer hill.

21 Q Okay. And the location that you work at -- that's known
22 as BHM1; is that right?

23 A Yes, sir.

24 Q And how long have you been working at BHM1?

25 A All right. A year -- a year -- a little over a year.

1 Q Do you recall the date when BHM1 first opened or the
2 month?

3 A February.

4 Q And who's your -- who's your -- currently your supervisor?

5 A It depends on which floor I'm on. I have a -- I have a
6 different supervisor every day because -- I have a different
7 supervisor every day.

8 Q Okay. And well, what are the -- what are the supervisors
9 that you have, for example, when you're on -- well, what floor
10 are you on right now or you're working on?

11 A I usually be on the -- I usually be on the third and
12 fourth floor. They keep me on the third and fourth floor.

13 Q Okay. So do you know the name of your supervisor on the
14 third floor?

15 A Like I said, it's -- varies sometime because they --
16 sometime, it'd be Carissa -- a -- a female named Carissa.

17 Q Okay. And how about when you're working on the -- on the
18 fourth floor?

19 A I don't -- I don't know her. I don't know.

20 Q Okay. Now, you stated the -- the -- do you have a process
21 assistant that's assigned to the floor where you work?

22 A Yes.

23 Q And what is the name of the process assistant?

24 A Process assistant -- sometime it be somebody named Devante
25 Bryant (phonetic). We have -- we have -- we have different

1 ones every day.

2 Q What do process assistants do?

3 A They -- they place you -- they -- they place you on your
4 machine. They disciplinary you and they just tell you what you
5 need to do when it comes to your job and all. They ask you to
6 log out when they need you to log out. It's just like
7 management. They tell you what to do.

8 Q And do they -- do they wear a different colored type of
9 vest?

10 A Yes.

11 Q What color vest do they wear?

12 A They -- they -- they -- their vest -- it's striped orange.

13 Q Is manage -- or supervisors -- do they have a different
14 colored vest?

15 A Yeah. The supervisors are -- got -- process assistants is
16 orange vests. The vests that's over them is -- is red. And
17 the learning and ambassadors are blue.

18 Q Okay. And what color are the vests that -- that full --
19 that -- the one that you wear?

20 A I don't -- I don't -- I don't wear a vest.

21 Q Okay. So -- so the fulfillment associates do not wear
22 vests; is that right?

23 A Uh-hum. No, sir.

24 Q Do they -- do fulfillment associates wear vests?

25 A No.

1 Q Okay. Now, you say that you're on the third and fourth
2 floor. Is that the floor that you've always been at -- working
3 at since you've worked at BHM1?

4 A No, sir.

5 Q Okay. Then, tell us: When were you -- when were you
6 moved? Well, let me ask you: What floor did you work on
7 before you worked on the third and fourth floor?

8 A That used to -- when I first -- when I first started,
9 they -- they -- they used to put me on the first and second
10 floor.

11 Q Okay. And what were you doing on the first and second
12 floor?

13 A It's -- it's the same thing. I was a picker.

14 Q Okay. And when was it that you were moved to the third
15 and fourth floor?

16 A After the -- after we start organizing. When we start
17 organizing, that's when they start sending me on the awful
18 floors.

19 Q Did you -- did you play a role in the organizing?

20 A Yes, sir.

21 Q What kinds of things did you do?

22 A I talked to the employees about the Union. I was -- I was
23 passing out authorizations cards on break.

24 Q Did you do any interviews to, like, media?

25 A Yes, yes.

1 Q And did -- do you -- do you recall how often you were
2 interviewed by media?

3 A Oh, a whole -- whole -- lots of times.

4 Q And so what's the difference between working in the
5 first -- the first/second floor and the third and fourth floor?

6 A You -- you -- it ain't that many employees on our third --
7 third and fourth floor. And you go to -- you take your break
8 later than the ones that are on the first and second floor.

9 Q Okay. And so where are the majority of pickers located
10 then?

11 A First and second floor.

12 Q Okay. And do you have -- when you're on the third and
13 fourth floors, do you have less interaction with other pickers?

14 A Yes.

15 Q Now, you said you handed out cards. Where did you do
16 that?

17 A On break outside the facility on the lot.

18 Q And -- and while you were -- I -- I want to focus on the
19 lot. While you were handing cards out at the lot, did you --
20 did anyone observe you doing that to your knowledge?

21 A You have -- you -- you have security, the police officer
22 down there. And everybody be out and about at -- on break, so
23 you have PAs, management. You have multiple managements
24 outside.

25 Q Now, you mentioned police officers. What type of police?

- 1 Are these off-duty police officers?
- 2 A Yes.
- 3 Q And do you know what city they work for?
- 4 A Bessemer.
- 5 Q Darryl, you don't need to move the phone. You can keep it
- 6 there.
- 7 A Okay.
- 8 Q If -- if -- you get blurry when you move it towards you.
- 9 A Okay.
- 10 Q And so what kind of vehicles were these off-duty police
- 11 officers in?
- 12 A In -- in their police cars.
- 13 Q Okay. And so they were -- and -- and these are -- so I --
- 14 I guess you said this already. But these are City of Bessemer
- 15 police -- off-duty police officers; is that right?
- 16 A Yes, sir.
- 17 Q And what did you observe them doing in the parking lot?
- 18 A They just -- they -- they just sit there and just sit
- 19 there in the car.
- 20 Q And did -- were -- were -- was there anything about their
- 21 cars that you noticed?
- 22 A Yeah. They -- they had their lights flashing.
- 23 Q Okay. And when did you first notice police officers with
- 24 their lights flashing in the employee parking lot?
- 25 A So I'd noticed their light's been -- well, in the morning

1 when it's -- when it's sort of -- when it's sort of dark, when
2 it's -- when you're going to work in the dark, they -- they
3 have their lights flashing, but I really noticed their -- their
4 lights been flashing after the Union drive been going.

5 Q Okay. And did you have any conversations with coworkers
6 about police officers being in the parking lot?

7 A Yes, sir.

8 Q And will you tell the hearing officer your recollection of
9 those conversations?

10 A Well, a lot of employees come to me and ask me why the
11 police was out -- why the police officers are out there.
12 This -- it's -- it's -- it's crazy that the police officers are
13 out there monitoring us. We ain't doing nothing wrong or why
14 Amazon got them out there. Why are we paying? I had an
15 employee come to me and tell me they -- they take Bessemer
16 taxes out of our checks because they're paying them to sit out
17 there -- you know, conversations like that.

18 Q Okay. And -- and what effect did -- did the police in the
19 parking --

20 MR. JOHNSON: Objection for hearsay, and I'd like to move
21 to strike that.

22 HEARING OFFICER MEYERS: The -- the hearing officer
23 will -- it -- your -- your objection is noted. The testimony's
24 in. I will -- I will consider it for what it's worth.

25 With that in mind, Mr. Rouco, please avoid requesting

1 testimony about hearsay.

2 MR. ROUCO: Well, I will try my best to do that, but
3 obviously, there's -- there is an issue of -- of dissemination,
4 which, by its very nature, is one of hearsay. So when you're
5 talking to other people about what their impressions are,
6 there's only one way to figure out -- to testify about what
7 somebody's impressions are or what their reactions are is that
8 by what those people have said, so -- so I -- but I will try to
9 limit eliciting hearsay.

10 Q BY MR. ROUCO: Now, let me change topic a little bit, Mr.
11 Richardson. Did you -- do you recall attending --

12 MR. ROUCO: Ms. Hearing Officer, can -- can I have a
13 second? I need to -- I'm hearing an echo and I think it's
14 because George is in the room next to me. I need to ask him.

15 HEARING OFFICER MEYERS: Yes.

16 HEARING OFFICER MEYERS: I'll be right back.

17 HEARING OFFICER MEYERS: Yep.

18 MR. ROUCO: My apologies for this.

19 HEARING OFFICER MEYERS: We'll take a -- we'll take a two-
20 minute recess.

21 MR. ROUCO: One minute -- that's all I need.

22 THE COURT REPORTER: Got it.

23 (Off the record at 10:29 a.m.)

24 **RESUMED DIRECT EXAMINATION**

25 Q BY MR. ROUCO: Sorry about that. I -- I was going to



1 change top -- change topics with you, Mr. Richardson.

2 MR. ROUCO: And by the way, can I go back on the record?

3 I apologize. Can we --

4 HEARING OFFICER MEYERS: Yes. Back on the record. Okay.

5 I don't think we ever went off the record.

6 MR. ROUCO: Okay, thank you.

7 Q BY MR. ROUCO: Mr. Richardson, did you -- did you ever
8 attend any meetings in January and February that were mandatory
9 meetings that you had to attend to talk about the Union?

10 A Yes, sir.

11 Q Okay. Where were these meetings generally held?

12 A In our -- in our learning room in our -- in our meeting
13 room.

14 Q Okay. And what time of day did you attend these meetings?

15 A It depends on -- it depends on when they wanted employees
16 to go. They -- they put on your screen at any time -- any
17 time -- log -- log out your station, come to the stand-up area,
18 and when we get to the stand-up area, they'll tell us we're
19 going to attend a -- a meeting.

20 Q Okay. You know, I omitted to ask you this. What is your
21 work schedule?

22 A 7 -- 7:15 to 5:45.

23 Q What days of the week do you work?

24 A Monday, Tuesday, Thursday, and Friday.

25 Q Have you always worked this schedule?

- 1 A Yes, sir.
- 2 Q And that schedule -- is it -- what's it known by?
- 3 A They call that the doughnut shift.
- 4 Q Why is it called the doughnut shift?
- 5 A Like, you got a -- you got a -- you got a off -- you got a
- 6 off-day in between the two days.
- 7 Q Okay. So like, a hole in the middle of the week?
- 8 A Right. Yes, sir.
- 9 Q Got it, all right. So who came and told you that you
- 10 needed to -- well, did anyone inform you when you needed to
- 11 attend the meeting?
- 12 A No, they just -- like I said, they just -- they just
- 13 come -- they just tell you to log off your station. You got
- 14 a -- you got a area on your screen where the -- they speak to
- 15 you on a -- on a monitor. And they'd let you know what you
- 16 need to do, when they need you to do it, when you need to log
- 17 out. That's how they communicate with you.
- 18 Q Okay. So when you received information that you needed to
- 19 attend a meeting, what did you do?
- 20 A I just logged off my station.
- 21 Q Okay.
- 22 A I went -- I went in the area they told me to go in. They
- 23 call that the stand-up area.
- 24 Q Okay. And the stand-up -- what -- okay. Can you describe
- 25 what the stand-up area meet -- is?

1 A It's over there by -- it's where -- where the PAs -- where
2 the process assistants be having their area at when it comes to
3 videos and watching videos. And when they don't have nothing
4 for you to do, or they got too many pickers and they got too
5 many -- too many people working the station, they'll tell you
6 to log off and come over there in stand-up so they can find
7 something else for you to do or somewhere else to go.

8 Q And was -- why is it called stand-up?

9 A Because you just -- you -- you -- you stand up there
10 waiting and you can't sit down. You just stand up there just
11 waiting on them to put you to work or find something for you to
12 do.

13 Q Now, can you tell the hearing officer how many meetings,
14 these mandatory meetings, do you recall attending?

15 A Well, I was -- I -- I was particularly in -- in three of
16 them. I -- they had me in three meetings.

17 Q And who led these meetings if you recall?

18 A Management, out-of-town management.

19 Q And who else was present at these meetings if you
20 remember?

21 A H and R.

22 Q Okay. And what were the HR -- did you observe the HR
23 people doing anything?

24 A No.

25 Q Did they have computers with them?

1 A Yes.

2 Q And what did the -- did -- is that how you were -- well, I
3 don't want to -- to -- when you arrived at a meeting, what was
4 the first thing that happened?

5 A Well, we -- we -- we -- we sat down and waited until
6 everybody came in. And they introduced their selves, the out-
7 of-town -- from out-of-town management or they just -- they
8 just acknowledged their selves.

9 Q Okay. And did the meetings -- were the meetings run by
10 the same -- all -- all three meetings that you attended -- were
11 they run by the -- or led by the same people?

12 A No.

13 Q And typically, how many HR people did you see in the
14 meetings?

15 A When I was at the meetings -- when I was in the meetings,
16 it'd be one or two.

17 Q Okay. And this was different from the person that was
18 leading the meeting; is that right?

19 A Right.

20 Q Okay. Well, tell the hearing officer what you recall was
21 said during these meetings to the best of your recollection.
22 And -- and -- and that's a very vague question, so I'll ask
23 it -- was there anything said about paying benefits during
24 those meetings?

25 A You -- you said pay their medical?

1 Q In pay -- in pay -- your pay, wages.

2 A Okay.

3 Q Was there -- was there any discussion of wages and
4 benefits during those meetings?

5 A Oh, yes, sir. They -- they was stating that the Union
6 will -- will -- will -- if the Union come in, the wages would
7 drop. If the Union would come in, they'd take away your
8 benefits, things like that.

9 Q Did they -- did they present a more -- you know, any other
10 kind of views about what happens when the Union comes in?

11 A Yeah. They -- if the Union come in, the Union don't want
12 nothing but your Union dues. The Union -- when you pay Union
13 dues, the Union -- the Union going to use your dues to buy cars
14 or stay in nice motels, go on vacations.

15 The Union can't guarantee you -- you anything.

16 (Indiscernible). Why pay dues when you get it free? If the --
17 if the Union come in, you won't have no voice. You can't speak
18 for yourself. We don't need no Union out here. We -- we --
19 just give us a chance. We know the company. We got faults.
20 We know the -- we know we got to make changes. And just give
21 us a chance, stuff like that.

22 Q Okay. And was there -- was the topic -- in each of the
23 three meetings, the things that you've just testified to --
24 were these things discussed at each of those meetings?

25 A Yes, definitely.

1 Q Okay. And how many people attended -- roughly speaking,
2 attended the meetings when you -- the meetings that you
3 attended?

4 A 10 or 12.

5 Q And do you know how frequent these meetings were being
6 scheduled?

7 A Oh, ev -- ev -- every day, all day.

8 Q How many days -- was there, like, a -- do you know whether
9 there was a schedule to the meetings?

10 A Yes. There was a schedule.

11 Q Okay. And how often do -- were there meetings being held
12 with employees?

13 A When I -- after I leave -- after I leave out, there's
14 another group come right behind -- there's another group come
15 right behind us. And --

16 Q And I'm sorry.

17 A -- it was -- it -- they had it consistent.

18 Q So like, one group comes in; the next group goes in?

19 A Yes, sir.

20 Q Okay. Now, were you ever removed from a meeting?

21 A Yes, sir.

22 Q And tell the hearing officer about that.

23 A Well, when I -- when I went in the first time, they was
24 talking about with the Union, the Union can't guarantee
25 anything, and I always raise my hand when I go to a meeting. I

1 ask a question. I think one of the questions is, the Union
2 can't guarantee to anything. And I asked them, what can Amazon
3 guarantee? And he told me, no. And I said, well, y'all
4 already proved to us that y'all could take away our pay, like
5 y'all took away the hazard pay. And we still are get -- we
6 still get confirmed (indiscernible).

7 Little stuff like that and why convince the people to vote
8 for something -- why I try to convince the people to do what's
9 best for them, and they just -- a couple more questions, they
10 closed the floor down and told me they'd have to talk to me
11 after the meeting. And so I went outside the hallway.

12 They scanned my badge twice, though. And they said the
13 first time it scanned, it wouldn't take. And they scanned it
14 again. So I walked outside the hallway. When the meeting was
15 over, you know, we had a -- a convers -- I had a conversation
16 with one of the ones that was in there.

17 Q You had a conver -- who did you have a conversation with
18 after the meeting?

19 A I don't -- I don't remember his name.

20 Q Okay. And what -- what -- what do you recall was said
21 during that meeting?

22 A Well, he said -- he -- he -- he said, good job for -- good
23 job for voicing your opinion. We need -- we -- we -- we need
24 more employees like you to speak up. And we wish you would
25 help -- we wish you was on our side -- on our team.

1 Q Okay. Now, after the -- the petition was filed in
2 November -- I'm going to refer that, just, generally with the
3 election period, right, did you notice any change in how
4 employees were treated?

5 A Yeah. They -- they -- they -- they -- they -- they let
6 them -- they wouldn't disciplinary them on -- when it comes to
7 the phone, they let them -- they let them use their phones.
8 They weren't writing -- way -- they weren't writing them up.
9 They were just letting them get away with -- with things they
10 usually not let you get away with.

11 Q Has -- has that changed now that the election's been -- is
12 over?

13 A Oh, yes. They -- it totally changed.

14 Q How did it change?

15 A Well, they write -- they writing employees up for -- for
16 their pho -- for having their phones. They writing employees
17 up for missing -- missing -- missing items, damaged parts.
18 They got a list of names they walk around with employees with
19 issues, and they -- they go to them one-on-one -- they go to
20 them one-on-one, telling them what kind of issues they have,
21 how many damaged parts they have. They're doing that now.

22 Q Do you -- and were they doing that during this election
23 period?

24 A No. Of course not.

25 Q Now, was there a change in access to HR during this

1 election period?

2 A If it -- it was a change in where?

3 Q Access to -- getting access to HR, to people in Human
4 Resources for the team.

5 A Okay. Ye -- yes. They -- right now, they got H and R on
6 the first floor, and they got H and R on the third floor now.

7 Q Was it like that -- did they have that during the --
8 the -- prior to the petition being filed, where was HR located?

9 A On the first floor.

10 Q Okay. Now, did anyone come to you and ask you if you had
11 voted?

12 A No.

13 Q Did --

14 A Oh, no.

15 Q -- did anyone come and ask you if you'd gotten your
16 ballot?

17 A No.

18 Q Okay. Did you observe people asking some of your
19 coworkers whether they've gotten a ballot?

20 A Yes. Yes.

21 Q Can you -- can you tell the -- the hearing officer what
22 you observed or heard with respect to that?

23 A What I recall, the employees asking them, how you doing?
24 Do you have any questions about the Union? Have you received
25 your ballots? If you received it, if you're not comfortable

1 with mailing it -- mailing it at home, we got a -- a mailbox
2 outside, so you can ma -- you can write it up here and mail it.
3 You know, you got employees who were bringing up that they were
4 showing them how to fill it out.

5 Q You -- you saw -- okay. Fill out what?

6 A Their ballots.

7 Q And did these -- do you -- do you know who these people
8 were that were walking around asking your coworkers whether
9 they'd gotten ballots or not?

10 A They was -- I ain't ever seen them before, so I just
11 figured they was out-of-town -- out-of-town management from the
12 upper management.

13 Q And were they carrying anything around with them? Did
14 they have anything in their hands?

15 A Yeah. They had a -- a pen and a notebook pad.

16 Q Now, were you ever surveyed by Amazon regarding the work
17 environment?

18 A Yes. Yes. When we come in at -- when we come in at --
19 when we come in in the morning, log in our stations, they ask
20 you questions before you log in. How did you like the
21 supervisors? How do you -- how is the safety environment
22 around? How do you like working for Amazon? Would you
23 recommend any employee to work for Amazon? At your work
24 station. And you answer those questions. Now, you answer
25 those -- after you answer those questions, you -- you start

1 work.

2 Q Okay. When di -- when did -- when did this survey
3 start -- start happening?

4 A Well, those pa -- those particular questions right there,
5 like, how do you like Amazon -- how do you like working for
6 Amazon or would you recommend anybody to work for Amazon,
7 that's the -- those -- those type of questions started during
8 the Union -- during the Union drive.

9 Q Okay. And was it -- when -- when did you start working
10 there, again? Can you remind me?

11 A In March.

12 Q Of 2020?

13 A Yes, '19.

14 Q Oh, 2019 --

15 A '20, '20, '20, '20, '20.

16 Q I'm still living in 2020. I don't know (indiscernible).
17 But when you started working in March of 2020, did you -- did
18 you have to go through this survey process when you logged on?

19 A Oh, did I have to go through the survey?

20 Q Yeah. Did you -- what you just described, did you have to
21 do that when you first started working there?

22 A Yes. Yes, sir.

23 Q Okay. You had to log on when you first started working
24 there; is that right?

25 A Right. Right.



1 Q Did you get questions about how you felt about Amazon when
2 you first started --

3 A No. No, sir.

4 Q Now, do you recall when it was that the Union started its
5 organizing efforts at the BHM1?

6 A I think they started -- which -- we started around -- if
7 I'm not mistaken, August, because I knew -- I know when they
8 first came out on-site, it was October the 20th.

9 Q Okay. And did the company do anything in response to that
10 organizing drive?

11 A Yes, sir. They -- I think, after two days -- and matter
12 of fact, I'm -- I really think after two days, that's when
13 they -- that's when they issued -- gave a raise.

14 Q Okay. And did they -- did -- did they also make an
15 announcement about future raises?

16 A Yes.

17 Q Can you tell the hearing officer what you recall
18 management telling you about raises?

19 A Well, we'd get a raise -- we -- we'd get -- we'd get a
20 raise every -- every six months. They had a scale posted up on
21 the -- when you entering -- on the outside, when you entering,
22 when you leaving. They had it posted on the door how your
23 process -- how your raise process going -- how you were going
24 to get it.

25 You've been here a certain amount of time, you get \$0.30.

1 You been here six months or so, you get \$0.55. Like, I have --
2 at that time, I received \$0.55.

3 Q Okay. Had there -- had there been any further
4 announcements of changes to the wage scale?

5 A Yes. They just -- they just came up with something else
6 about -- about another raise up to -- up to \$3.

7 Q Okay. And when was that announced? Do you recall when
8 that was announced?

9 A I don't recall, but I know it's -- it's -- it's probably a
10 week or -- a week or so -- I guess they realized if it had come
11 to another -- we fighting for another election, and now they're
12 trying to --

13 Q Well, yeah. I don't -- I don't need you to speculate
14 about what -- what -- what -- what Amazon's motives are. Don't
15 worry. I will do plenty of -- of arguments about what their
16 motives are. But --

17 A Okay.

18 Q -- the -- the question was, when -- to the best of your
19 recollection, when was this new wage scale announced?

20 A Probably about a couple weeks ago.

21 Q Okay. Now, during the election, did you -- did you notice
22 whether there were more prizes being handed out?

23 A Oh, yes. (Indiscernible) --

24 Q Can you describe -- let me stop you there. Can you
25 describe for the hearing officer the kinds of things that

1 were -- that were being handed out during the election?

2 A They were giving out T-shirts, pins, pendants, a clear
3 tote bag, cookies, candy, ice cream, things like that.

4 Q And were there any other kinds of prizes that were being
5 given?

6 A Yeah. I -- \$15 -- I mean, not \$15, 15 -- 15 minutes on
7 your break and your dollars -- the dollars of vouchers.

8 Q Okay. So when you say 15 minutes on your break, what --
9 can you explain that a little further.

10 A They got a -- they -- it have a -- it have a -- it have a
11 voucher. It's in the voucher. You could -- they'd give it to
12 you. You could take it to your supervisor if you -- on your
13 30-minute break, you could give them that card, and they allow
14 you to take a extra 15 minutes on the 30 minutes.

15 Q Okay. And this is -- would this be a pra -- a paid break?

16 A Yes.

17 Q Would you get paid during this time? And -- and had they
18 done that prior to this -- to the Union organizing drive?

19 A Well, I just -- I just -- I just recall during that time.

20 Q Now, did Amazon, to your knowledge, install a cluster box
21 at the facility?

22 A Cluster box?

23 Q Yeah. It's like -- like a mail box. Do you remember them
24 installing that?

25 A Yes, sir.

1 Q Tell me what you recall about that.

2 A Well, they -- when -- they put it up -- they -- they put
3 it up there to -- like I said, when I seen it, I didn't know
4 what it was for. I just thought, you know, it was -- had
5 something to do with Amazon mail. So we're -- I was just
6 wondering -- I thought that's what it was. I was just
7 wondering how and why they was able to do it, but --

8 Q Let me ask you -- before you go into it. I want to -- I
9 want to show you -- you -- you -- you've got some exhibits in
10 front of you, don't you? You have --

11 A Yes, sir.

12 Q -- that I've -- that I've provided to you.

13 A Yes, sir.

14 Q Okay. So will you look at exhibit -- and it's Union
15 Exhibit 8.

16 A Okay.

17 HEARING OFFICER MEYERS: So I just ask, Mr. Johnson, you
18 have seen these on SharePoint; is that correct?

19 MR. JOHNSON: Yes. I'm looking at them right now.

20 MR. ROUCO: Yeah. And -- and I -- I assume that -- you
21 know, I can flash them on the screen, but I thought you were --
22 that it would -- I -- I -- I'm sorry, Kerstin, I can't --
23 you're muted. Ms. Hearing Off -- Madam, you have --

24 HEARING OFFICER MEYERS: Sorry. I just wanted to make
25 sure that Mr. Johnson had seen them before you started talking

1 about them. And I thought he had, and I (indiscernible).

2 MR. JOHNSON: Yes. Thank you. I appreciate that
3 question, asking that question.

4 MR. ROUCO: Okay. So do I need to put this on-screen?

5 MR. JOHNSON: No. I -- I can see it, Richard, if that
6 question's directed at me.

7 MR. ROUCO: Okay.

8 Q BY MR. ROUCO: Mr. Richardson, what -- what's been
9 previously marked as Union Exhibit 8, can you identify what
10 that is?

11 A Yes. The mailbox outside the facility.

12 Q Okay. And when -- do -- do you recall approximately when
13 you first noticed this box?

14 A Hello?

15 Q Can you hear me?

16 A Yeah. I can hear you now.

17 Q Okay. Can you -- do you recall when it was that you first
18 noticed this box?

19 A A couple days after -- a couple days after the election.

20 Q Okay. I'm sorry. A couple of days after the election?
21 Did you notice -- did you notice that there was a box put out
22 there during the election?

23 A Yes. Yes.

24 Q Okay. And is that -- is -- where is this located -- this
25 box located?

1 A It's -- it's right in front of the facility, not too far
2 from the entrance.

3 Q Okay. And is the -- is this in the employee parking lot?

4 A Yes, sir.

5 MR. ROUCO: Now, I'll move for admission of Union 8.

6 HEARING OFFICER MEYERS: Any objections?

7 MR. JOHNSON: No objections.

8 HEARING OFFICER MEYERS: Union's Exhibit 8 is received.

9 **(Union Exhibit Number 8 Received into Evidence)**

10 Q BY MR. ROUCO: Can you look at Union Exhibit 9?

11 A Yes.

12 Q Can you describe what Union Exhibit 9 is?

13 A It's -- it's the mailbox with a -- with a tent around it.

14 Q Okay. And did -- can you describe for the hearing officer
15 when the tent got put -- do you recall when the tent got put
16 around the -- this is actually --

17 A I don't --

18 Q -- called a cluster box, but did you -- do you know when
19 it was the tent got put around the cluster box?

20 A I don't know the exactly, the date it got put up -- it got
21 put up.

22 Q Was the tent always over the cluster box?

23 A No.

24 Q And -- and then, did it -- did anyone in management
25 explain to you why they put a tent around the cluster box?

1 A No.

2 MR. ROUCO: I move for admission of the Union -- well,
3 Union 9.

4 HEARING OFFICER MEYERS: Any objections to the admission
5 of Union 9?

6 MR. JOHNSON: No objections.

7 HEARING OFFICER MEYERS: Union 9 is received in evidence.

8 **(Union Exhibit Number 9 Received into Evidence)**

9 Q BY MR. ROUCO: Mr. Richardson, before we set aside Union
10 9, is there any writing on the sides of the tent or anything
11 that indicates a message?

12 A Not -- not on this one, but yes. It's -- it -- they put
13 writing on there.

14 Q So on this one, there's no -- there's no writing on the
15 sides of the tent; is that right?

16 A That's right.

17 Q I want to draw your attention, then, to Union Exhibit 10.
18 Do you have that one in front of you?

19 A Yes, sir.

20 Q Can you identify what Union Exhibit Number 10 is?

21 A It -- this one right here got writing on it.

22 Q And -- and what is -- is this a tent around the cluster
23 box?

24 A Yes, sir.

25 Q And what is -- what's the writing on the side of it?

- 1 A Speak -- speak for yourself. Mail your ballots here.
- 2 Q If you look behind the tent on that -- do you see that
- 3 there's -- it -- it's no -- it's partially obscured by the
- 4 tent. Do you see that message behind there? It starts with a
- 5 V.
- 6 I'm looking at your armpit now.
- 7 A Oh, okay.
- 8 Q Look at -- look at Exhibit Number 10, Mr. Richardson. Do
- 9 you have that in front of you?
- 10 A Yes, sir.
- 11 Q Do you see behind the tent -- do you see that there's some
- 12 writing? Looks like "vote".
- 13 A I can't see too good anyway, but --
- 14 Q You can't see that -- okay. It may not come clear -- I
- 15 mean, it may not be visible in your -- in your -- well, it
- 16 should be if you -- if you look at -- you see where the -- you
- 17 see where the "speak for yourself" is on the ten -- on the side
- 18 of the tent of the Exhi -- of the Exhibit 10, Mr. Richardson?
- 19 A The speaker?
- 20 Q Yeah. Do you see where it says "speak for yourself" on
- 21 Union 10?
- 22 A Yes.
- 23 Q Okay. If you look up -- look up straight at -- straight
- 24 up above that, do you see there's a blue sign right above it?
- 25 A Oh, okay. Right there. Yes. Yes. Okay.

1 Q Yeah. And it's hard to do this -- with -- with video, but
2 do you recall what that sign said?

3 A That's -- that -- that sign say "vote".

4 Q Okay. Now, all right. The "speak for yourself" message,
5 is that a message that -- that you recall management making
6 during the campaign?

7 A Yes.

8 Q And where was exactly -- how -- how exactly do you recall
9 management saying that?

10 A Well, you -- you could -- you could speak for yourself.
11 You don't need nobody to speak for you.

12 Q Okay. Was there any -- was there any prediction about
13 what would happen if the Union was -- if employees voted to
14 form a Union with respect to speaking for yourself?

15 A If you -- if -- if -- if -- if the Union was to come in,
16 you won't be able to speak for yourself. It'll be -- it'll
17 be -- it'll be a Union. You won't have no voice. We can't --
18 you can't come to us directly and talk to us. There got to be
19 a third party. The Union has to be there. You may seem
20 like -- it won't be no open-door policy if the Union's coming.

21 Q And do they -- do they -- is there an open-door policy
22 today, according to management?

23 A No.

24 Q There's no?

25 A No.

1 Q All right. So now, to your knowledge, are there any
2 security cameras in that parking lot?

3 A Yes, sir.

4 Q How do you know that?

5 A I can see them on the building. I can see them on the
6 building pole. Yes.

7 Q Okay. Did you ever have a conversation with anyone about
8 security cameras in the parking lot?

9 A Yes.

10 Q And was it someone in management or in --

11 A Yes.

12 Q -- a -- or somebody connected with management?

13 A Yes. Like, learning ambassadors, PAs, we -- we talk all
14 the time that if you do something outside, security camera
15 watching you. Everywhere you move, security camera watching
16 you.

17 Q Now, I'm going to -- I'm going to ask you about some other
18 exhibits and see if you can -- if you recognize them. Can you
19 look at Union Exhibit 1?

20 A Yes, sir.

21 Q Now, can you identify Union Exhibit 1 --

22 A Yes.

23 Q -- to the hearing officer? Well, what is Union Exhibit 1?

24 A A text -- text message. I've seen this before.

25 Q Okay. And -- and can you see what date this was sent

1 out -- this text message was sent out?

2 A De -- December 30th.

3 Q What -- did the -- did -- did the Employer or management
4 communicate to you via text messages?

5 A Yes.

6 Q And how many -- if -- if you had to estimate, how many
7 messages did you get during this campaign?

8 A Ooh, it's hard to count. Like, we were getting -- we were
9 getting Facebook blasts. We would get emails. We were getting
10 text messaged. All of it. It's -- it's a lot of them.

11 Q Okay.

12 MR. ROUCO: And I move for admission of Union 1.

13 HEARING OFFICER MEYERS: Any objections to the admission
14 of -- of Union -- or Petition Exhibit 1 or Union Exhibit 1?

15 MR. JOHNSON: No obje -- no objection, Madam Hearing
16 Officer.

17 HEARING OFFICER MEYERS: Mr. Rouco, do you also want to
18 move for the admission of Petitioner's Exhibit 8 -- or 10? I'm
19 sorry.

20 MR. ROUCO: Oh, I -- I apologize forgetting that. Yes.
21 I'll move for admission of Exhibit 10.

22 HEARING OFFICER MEYERS: Thank you. And --

23 MR. ROUCO: Can I -- and I have all these Petitioners
24 versus Union, and --

25 HEARING OFFICER MEYERS: Okay. Let me -- let me change

1 all of my stuff. We'll -- we'll call it Union. Mr. Johnson,
2 any objections to the admission of Petitioner's Exhibit 10 or
3 1? Or are we talking about 1 now? 1.

4 MR. JOHNSON: No objection.

5 MR. ROUCO: Union's.

6 HEARING OFFICER MEYERS: Union's Exhibits -- Union's
7 Exhibit. Excuse me.

8 MR. JOHNSON: Got it. No objections to Union Exhibit 1.

9 MR. ROUCO: I think we're also talking about Union 10.

10 HEARING OFFICER MEYERS: And Union 10. I thought we'd --
11 I'd -- I'd -- I'd -- the -- any objection to Union 10? 1 and
12 10. Let's just do them together.

13 MR. JOHNSON: No objection to either.

14 HEARING OFFICER MEYERS: Okay. Union's 1 and 10 are both
15 received.

16 **(Union Exhibit Numbers 1 and 10 Received into Evidence)**

17 MR. ROUCO: Okay.

18 Q BY MR. ROUCO: Mr. Richardson, can you look at what has
19 been previously marked as Union Exhibit 2?

20 A Okay.

21 Q Do you recognize the document that's marked as Union
22 Exhibit 2?

23 A Yes, sir.

24 Q Can you explain to the hearing officer what this document
25 is?

- 1 A If -- if -- if -- if the Union come in, you -- you --
- 2 Q What -- not -- not -- not -- not -- not -- not what it says.
- 3 What is it?
- 4 A Oh, it's -- it's -- it's -- it's like a -- it's a text.
- 5 Q Okay. And did you rec -- do you recall receiving a text
- 6 with this message in it?
- 7 A Yes, sir.
- 8 Q Okay. And the message is -- this says, do not -- don't
- 9 give up your voice; is that right?
- 10 A Right.
- 11 Q Did you have any discussions with management about this
- 12 text?
- 13 A Oh, yes.
- 14 Q Will you -- can you tell the hearing officer what you
- 15 recall talking about with respect to the text that, I'm going
- 16 to call don't give up -- the don't give up your voice text.
- 17 A It was -- in anti-Unions meetings, they had asked the
- 18 question, you won't have a voice if the Union come in, and I
- 19 raised my hand to ask a question. I said, we don't have a
- 20 voice now.
- 21 Q Okay.
- 22 A Yeah. We got -- okay.
- 23 Q All right. Any -- anything else you remember talking
- 24 about this -- the don't give up your voice message?
- 25 A Yes.

1 Q Okay. What else?

2 A The Union -- the -- the -- the -- the -- the Union --
3 we -- we can't talk to nobody because we -- we don't have a
4 voice now because we don't -- we communicate with a app, and
5 it's hard for us to leave our (indiscernible) station and talk
6 to anybody, see anybody. So we don't have nobody to talk to us
7 because half the time, we don't know who our supervisor is
8 anymore.

9 Q Okay. Thank you. I'm offering admission of Union Exhibit
10 2.

11 HEARING OFFICER MEYERS: Any objection to the admission of
12 Union Exhibit 2?

13 MR. JOHNSON: No objection to Union 2.

14 HEARING OFFICER MEYERS: Union 2 is received in evidence.

15 **(Union Exhibit Number 2 Received into Evidence)**

16 Q BY MR. ROUCO: Mr. Richardson, do you have what I
17 previously marked at Union Exhibit 3 in front of you?

18 A Yes.

19 Q Can you identify this document for the hearing officer?

20 A Yes.

21 Q Okay. What is this document? Well, actually, let me ask
22 you first. Do you know how -- had you seen this document
23 before?

24 A Yes, sir.

25 Q Okay. Do you recall how it was delivered to you?



1 A It was -- this -- this right here was delivered on the AZ
2 app.

3 Q The A to Z app? Can you --

4 A Yes.

5 Q -- before you -- before you talk about this document, can
6 you tell the hearing officer -- explain to the hearing officer
7 what the A to Z app is?

8 A Sir?

9 Q What is the A to Z app?

10 A The A to Z app is -- we had to use the A to Z app when it
11 comes to punching out, everything -- vacation time, DPT
12 (phonetic) time. That app -- we had to use that app for
13 everything, communication.

14 Q So it's an -- it's an app where you do Human Resource
15 types of things or personnel things?

16 A Yes, sir.

17 Q You schedule your time using that app?

18 A Yes, sir.

19 Q Do you clock in when -- using that app?

20 A Yes, sir. You can. Yes, sir.

21 Q You can if you want to.

22 A Yes, sir.

23 Q And you can -- you can schedule time off using that app;
24 is that right?

25 A Yes, sir. Yes, sir.

1 Q And is that -- is that app the way management communicates
2 to you if there's any changes in your work schedule?

3 A Yes, sir.

4 Q So I believe your testimony was that you received what's
5 marked as Union Number 3 through the A to Z app; is that right?

6 A Yes, sir.

7 Q Okay. And if you look at the bottom where it says -- the
8 middle, where it says your rights -- do you see that?

9 A Yes, sir.

10 Q Is the -- is the speak for yourself message again noted on
11 there? Look at the -- the last underlined sentence.

12 A Ye -- yes, sir. Yes, sir.

13 Q Is it fair to say that the speak for yourself was -- was a
14 theme -- that you recall this as being a theme that Amazon was
15 using?

16 MR. JOHNSON: Objection. The document speaks for itself.

17 MR. ROUCO: Yeah. Well, my question -- my -- my question
18 isn't about the document. So -- but since we're on the
19 document, I move for admission of number -- of Union 3.

20 HEARING OFFICER MEYERS: Okay. The -- the -- the
21 objection is overruled. And does counsel for the Employer have
22 any objection to Union Exhibit 3?

23 MR. JOHNSON: No objection to Union 3.

24 HEARING OFFICER MEYERS: Union 3 is received.

25 **(Union Exhibit Number 3 Received into Evidence)**

1 Q BY MR. ROUCO: Mr. Richardson, I -- I'll ask you again.
2 How -- would you describe the speak for yourself being as one
3 that Amazon used during the election.

4 A Yes.

5 Q Now I draw your attention to what's been previously marked
6 as Union Exhibit 4.

7 A Yes.

8 Q Can you identify for the hearing officer what this
9 document is?

10 A That's a text.

11 Q That's a text message. And do you recall receiving this
12 text message?

13 A Yes, sir.

14 Q And does it -- can you read the date that you -- that's on
15 this -- on the text message?

16 A January the 20th.

17 Q So that was during the -- during the election period; is
18 that right?

19 A Yes, sir.

20 Q Now this message, the -- the text message says, "Protect
21 what you have". Do you see that?

22 A Yes.

23 Q Was there a discussion in the meetings and with other
24 management about not losing what you have if the Union is voted
25 in?

1 A Yes.

2 Q Was this -- was this something that was discussed during
3 the meetings that you attended?

4 A Yes, sir.

5 Q And you've already told us what you recall about that,
6 right?

7 A Yes, sir.

8 MR. ROUCO: I move for the admission of Union Exhibit 4.

9 HEARING OFFICER MEYERS: Any objection to the admission of
10 Union's Exhibit 4?

11 MR. JOHNSON: No objection to Union 4.

12 HEARING OFFICER MEYERS: Union 4 is admitted.

13 **(Union Exhibit Number 4 Received into Evidence)**

14 MR. ROUCO: I'm going to skip Union 5 because I don't --
15 actually, I think we're going to have to replace Union 5
16 because it's not -- the copy that we have, you can't -- it's
17 not totally legible, Madam Hearing Officer. So for the time
18 being, I'm going to skip Union 5 and move to Union 6.

19 Q BY MR. ROUCO: Mr. Richardson, do you recognize the
20 document that's marked as Union Exhibit 6?

21 A Yes, sir.

22 Q Can you describe for the hearing officer what this
23 document is?

24 A What this document is?

25 Q Well, yeah, actually, let me -- let me -- let me ask you a

1 more basic question. Do you recall seeing this document prior
2 to today?

3 A Yes, sir.

4 Q Do you see this -- was this a document that you saw during
5 the -- during the election period?

6 A Yes, sir.

7 Q And can you tell the hearing officer what this Union
8 Exhibit 6, what -- the document that's represented in Union
9 Exhibit 6, what is that document?

10 A The Union can get -- the Union can't guarantee you job
11 security or better benefits and wages.

12 Q My question is a little more basic than that. Was this a
13 flyer that was handed out or a pamphlet that was handed out or
14 was this something that you got through the A to Z app?

15 A This -- this -- this is something that I got through the A
16 to Z app.

17 Q And -- and you said here that the message is the Union
18 can't deliver.

19 A Right, right.

20 MR. ROUCO: I'll move for admission of Union Exhibit 6.

21 HEARING OFFICER MEYERS: Do we have a date when this was
22 released?

23 MR. ROUCO: I don't think we have a -- well, we don't have
24 a specific date other than it was released during the -- during
25 the campaign. Well, let me -- and I'll ask the witness.

1 Q BY MR. ROUCO: Mr. Richardson, do you remember -- do you
2 have like a -- what month it was that you received this
3 document, do you recall?

4 A I -- I don't real -- I don't remember.

5 Q Okay. Do you remember whether it was prior to -- during
6 the election period?

7 A Yes, sir, of course. Yes.

8 Q This wasn't something that was given to you after the
9 election; is that right?

10 A Right, right.

11 MR. ROUCO: Okay. That's the -- that's the best that we
12 have.

13 HEARING OFFICER MEYERS: Okay. Any objection to the
14 receipt of Union Exhibit 5 (sic)?

15 MR. JOHNSON: I --

16 MR. ROUCO: I'm sorry, it's Union 6.

17 HEARING OFFICER MEYERS: I'm sorry, 6.

18 MR. JOHNSON: No objection to receipt of Union 6.

19 HEARING OFFICER MEYERS: Union 6 is received in evidence.

20 **(Union Exhibit Number 6 Received into Evidence)**

21 Q BY MR. ROUCO: Mr. Richardson, I draw your attention now
22 to Union Exhibit 7.

23 A Yes, sir.

24 Q Do you recognize the document that's marked as Union
25 Exhibit 7?

1 A Yes.

2 Q Well, first of all, what -- the -- what kind of -- how did
3 you receive the -- this message?

4 A It's -- it's -- it's right here -- it's right here is
5 Facebook.

6 Q Okay. This is a Facebook message that you received?

7 A Yes.

8 Q And it's -- do you see a date, approximate date as to when
9 this was handed out?

10 A February the 11th.

11 Q And how can you tell that it's Facebook?

12 A I see shared and saved.

13 Q And this is a -- the text message, announcing that there's
14 a -- a collection box; is that right?

15 A Yes.

16 Q I'm sorry, it's a message saying -- a Facebook message; is
17 that right? I'm losing you there.

18 A Hello?

19 Q Yeah, can you hear me?

20 A Yes. Yeah.

21 Q Do you recall receiving or seeing this Facebook message?

22 A Yes.

23 MR. ROUCO: I move for admission of Union 7.

24 HEARING OFFICER MEYERS: Any objection to the receipt of
25 Union's Exhibit 7?

1 MR. JOHNSON: Can I have a little voir dire on it?

2 HEARING OFFICER MEYERS: Certainly.

3 MR. JOHNSON: All right.

4 **VOIR DIRE EXAMINATION**

5 Q BY MR. JOHNSON: Good morning, Mr. Richardson. How are
6 you?

7 A How you doing?

8 Q I'm doing all right. I hope you're doing well, as well.
9 You testified that this message had a certain date attached to
10 it and I'm trying to figure out how you know that because I
11 can't -- oh, I see because it's on the February 11th at the top
12 of the document; is that correct?

13 A That's it's. Yeah.

14 Q And that's when you received it, February 11th, right?

15 A Yes, February the 11th.

16 Q Okay. And you testified that you believe it's a
17 Facebook --

18 A Yes.

19 Q -- message? Okay. Did -- but this document that we're
20 looking at, Union -- that's Union 7 right now, I mean isn't
21 this a series of text messages?

22 A I believe I -- I just see save and share down here.

23 Q Right, but I mean if -- if you were familiar with this
24 doc -- let me ask it to you this way. You're testifying about
25 this document. Did it come into your phone in this format?

1 A Yes.

2 Q Okay. And did it come in via text message to your phone?

3 A Yes, I got -- I got the information.

4 Q Okay. Well, I'm just asking that isn't this document a
5 series of text messages coming into your phone rather than
6 to -- from Facebook?

7 A Like I said, I just seen the save and share.

8 Q Right, I understand, sir. I mean, you've testified that
9 see save and share at the bottom of the document but it -- my
10 question to you is is this -- the white text on the black
11 background field, aren't those just text messages that came
12 into your phone?

13 A It could be, but I just seen share and save.

14 MR. ROUCO: You know, Larry, we'll stipulate --

15 MR. JOHNSON: Okay.

16 MR. ROUCO: -- that it's a text message that may have been
17 posted on Facebook.

18 MR. JOHNSON: Okay.

19 MR. ROUCO: I think that's --

20 MR. JOHNSON: Well, I will take the stipulation that it's
21 a text message and we can go from there if that's okay,
22 Richard.

23 HEARING OFFICER MEYERS: Mr. Richardson, do you have
24 instant messaging for Facebook on your phone?

25 THE WITNESS: Do I got in -- instant message?

1 HEARING OFFICER MEYERS: The messaging app for Facebook on
2 your phone?

3 THE WITNESS: Uh.

4 HEARING OFFICER MEYERS: Messenger app?

5 MR. ROUCO: If he can't answer it, he probably doesn't
6 have it.

7 HEARING OFFICER MEYERS: No. Okay. I just wondered.

8 MR. ROUCO: Yes.

9 HEARING OFFICER MEYERS: Is there any objection to the
10 receipt of this text message?

11 MR. JOHNSON: No objection. I mean, I'm done with my voir
12 dire with that stipulation that it's a text message.

13 HEARING OFFICER MEYERS: Okay. The Union's Exhibit -- I
14 just went back up to 4, so Union's Exhibit 9 -- 7 -- 7 is
15 received in evidence.

16 **(Union Exhibit Number 7 Received into Evidence)**

17 **RESUMED DIRECT EXAMINATION**

18 Q BY MR. ROUCO: So -- all right. Mr. Richardson, can you
19 move to Union Exhibit 11?

20 A Okay. Yes, sir.

21 Q Do you recognize the document that I've -- that is
22 previously marked as Union Exhibit 11?

23 A Yes.

24 Q And can you describe that document for the Hearing
25 Officer?

1 A Leadership voting begins, mail your ballots in the
2 mailbox.

3 Q Okay. Do you recall how you received -- was this a text
4 message, do you know?

5 A Well --

6 Q It looks like it was on Facebook again.

7 A Right, right.

8 Q Do you -- do you -- do you recall receiving text messages
9 from Amazon informing you about voting and using the mailbox?

10 A Yes.

11 Q Is this -- is -- does this appear to be one of the
12 messages that you received --

13 A Yes.

14 Q -- regarding voting in the mailbox?

15 A Yes, sir.

16 Q And is there a date that's stated -- was Amazon saying
17 that there's a certain date that you should vote by?

18 A Yeah, March the 1st.

19 Q Did you have any questions as to why that date was the one
20 that was being used?

21 A To just -- I just didn't understand why they was saying
22 vote it in by March the 1st when you had up to the 29th of -- I
23 guess they were try -- they were trying to rush employees to --
24 to -- to vote.

25 Q Okay.

1 MR. JOHNSON: Move to strike as to lack of foundation and
2 speculation as to Amazon's motives.

3 HEARING OFFICER MEYERS: Objection is sustained. Can you
4 rephrase, Richard?

5 Q BY MR. ROUCO: Well, how do you interpret the debt -- the
6 suggestion that you vote by March -- by March 1st?

7 A I guess I --

8 MR. JOHNSON: I'm going to object again because that's
9 still a matter that suggests a reaction of the witness is at
10 issue here and it's not part of the legal test and the document
11 speaks for itself.

12 HEARING OFFICER MEYERS: Objection sustained.

13 MR. ROUCO: I move for admission of Union 11.

14 HEARING OFFICER MEYERS: Any objection to Union 11?

15 MR. JOHNSON: No objection.

16 HEARING OFFICER MEYERS: Union 11 is received into
17 evidence.

18 **(Union Exhibit Number 11 Received into Evidence)**

19 Q BY MR. ROUCO: Mr. Richardson, would you look at Union
20 Exhibit 12?

21 A Yes.

22 Q Can you identify what Union Exhibit 12 is?

23 A Yes.

24 Q What is it?

25 A It's a -- it -- it's a document that they offered

1 employees -- offer -- offered employees to take a certain
2 amount of money to -- to leave.

3 Q Is that known as -- how -- what was that program known as
4 or referred to, if you recall?

5 A Just --

6 Q If you don't recall, that's fine.

7 A Yeah, I don't recall.

8 Q This -- the -- the offer to -- to get paid to leave, do
9 you recall how you received -- how you first received that?
10 Did it come through text or was it made with the app or both?

11 A I just know A to Z app.

12 MR. ROUCO: All right. Well, I move for admission of
13 Union 12.

14 HEARING OFFICER MEYERS: Any objection to Union 12?

15 MR. JOHNSON: Madam Hearing Officer, can I have a little
16 voir dire on it?

17 HEARING OFFICER MEYERS: Yes.

18 MR. JOHNSON: Thank you.

19 **VOIR DIRE EXAMINATION**

20 Q BY MR. JOHNSON: Hi Mr. Richardson. I'm back. And just a
21 few questions for you on this document. Do you actually
22 remember seeing these two frequently ask -- or these two FAQs?

23 A Do I actually remember seeing -- seeing this right here?

24 Q Yes, sir.

25 A Yes.

1 Q Okay. And was it par -- were these the only two that you
2 saw or was this part of a larger document that was distributed
3 to employees by Amazon?

4 A I -- I think it was some -- I think it was some more. I
5 can't say. I think there was some more to this right here. I
6 don't -- I don't recall.

7 MR. ROUCO: You --

8 Q Just to be fair, you can't remember whether or not there
9 was a larger document that this was part of; is that correct?

10 A Okay. I don't -- okay.

11 Q Yeah, it was --

12 MR. ROUCO: And I don't mean to interrupt here, your voir
13 dire, Harry, but we'll withhold this Union 12 because I think
14 it's a bit -- the full document was produced by the company in
15 response to the subpoenas.

16 MR. JOHNSON: All right.

17 MR. ROUCO: So we can remark that as an appropriate
18 exhibit.

19 MR. JOHNSON: All right.

20 MR. ROUCO: Which I take you all wouldn't dispute its
21 admission; is that right?

22 MR. JOHNSON: No.

23 MR. ROUCO: If we use the document and we offered it.

24 MR. JOHNSON: That's correct. I just want to make sure
25 that you're withdrawing it instead of --

1 MR. ROUCO: Yeah --

2 MR. JOHNSON: -- having testimony about a nonexistent
3 exhibit isn't part of the record right now.

4 MR. ROUCO: Right. I will withdraw Union 12 and then
5 we'll mark the program -- the offer program, we'll mark it as a
6 separate exhibit that -- where it shows the complete document
7 that was distributed to employees.

8 MR. JOHNSON: Fair enough.

9 MR. ROUCO: All right.

10 **(Union Exhibit Number 12 Withdrawn)**

11 **RESUMED DIRECT EXAMINATION**

12 Q BY MR. ROUCO: One last question, one last document. Mr.
13 Richardson, can you look at what is marked as Union Exhibit
14 12 -- 13. I'm sorry.

15 A Okay. Yes, sir.

16 Q And do you recognize what Union Exhibit 13 is?

17 A Yes.

18 Q Now had you heard any reports of Union organizers
19 offering -- offering to fill out employee ballots?

20 A No.

21 Q Did you -- did you hear any reports about Union organizers
22 offering to mail ballots in for employees?

23 A No.

24 Q Were you offered -- did any Union organizer offer to fill
25 out your ballot?



1 A No.

2 Q Did any Union officer -- Union organizer offer to mail in
3 your ballot?

4 A No.

5 Q Did you talk to any management as to why there's this
6 representation made in Union 13 that that's what the Union
7 allegedly was doing?

8 A No.

9 Q Do you recall how -- did you -- did you see the document
10 that's marked Union 13 before today? You don't recognize this
11 document?

12 A No.

13 Q All right. So then we won't put this document in through
14 you. Well, with that, I'll ask you one last thing. If you
15 look at Union Number 15 --

16 A 15?

17 Q -- Exhibit -- Union 15.

18 A Yes.

19 Q This is a -- can you describe what Union 15 is? What's
20 depicted on Union 15?

21 A It's a -- a flyers, vote no, to put in your car, you know.

22 Q Did you see these being -- did you see these when you were
23 inside the plant --

24 A Yes.

25 Q -- inside the warehouse?

1 A Yes.

2 Q Where did you see them in the warehouse?

3 A In a -- in a anti-Union meeting room.

4 Q Okay. And can you tell us was -- where were they in
5 the -- when -- during these mandatory meetings, where were
6 these tags placed?

7 A On a table -- on a table with a -- behind us, spaced up
8 for when you -- when you leave out the room -- when you leave
9 out the -- after the meeting -- when you leave out the room,
10 they tell you you -- you -- you could pick up a item on the way
11 out.

12 Q Are the tags that are reflected on Union 15, one says -- I
13 guess it's -- it says -- the first one says, "BHM1, we win as
14 one". Do you see that?

15 A Yes.

16 Q And the next one is "Vote No".

17 A Yes.

18 Q Did you these tags being distributed during mandatory
19 meetings?

20 A Yes.

21 Q Okay. The next tag next to it says "Leave RWDS tag in the
22 rear-view mirror". Do you see that?

23 A Yes.

24 Q Did you see that being distributed at the mandatory
25 meetings?

1 A Yes, sir.

2 MR. ROUCO: I move for admission of Union Exhibit 15.

3 HEARING OFFICER MEYERS: 15? Any objection to Union's
4 Exhibit 15?

5 MR. JOHNSON: No objection.

6 HEARING OFFICER MEYERS: No. 15 is admitted.

7 **(Union Exhibit Number 15 Received into Evidence)**

8 Q BY MR. ROUCO: Mr. Richardson, I apologize but I guess I
9 have one more exhibit that I would like you to look at. Would
10 you look at Union 16?

11 A Yes, sir.

12 Q Union 16 is a -- is a photo, isn't it?

13 A Yes, sir.

14 Q And in it, it depicts -- well, tell the hearing officer,
15 where is the location of this photo taken?

16 A In -- in the bathroom.

17 Q Okay. Is it inside a stall?

18 A Yes, yes, sir.

19 Q Was there a message that -- on the door of the stall,
20 inside the stall?

21 A Yes, sir.

22 Q And what is that message?

23 MR. JOHNSON: Well, let me object. I mean, if you're
24 going to get him to testify about the document, I think the
25 document is going to speak for itself and it's pretty

1 illegible, a lot of it is illegible right now. So I don't know
2 what question you're asking but I would object to the extent
3 that you're going to be asking him a question about something
4 that is illegible.

5 MR. ROUCO: Well and I'll -- that -- it's a fair question,
6 a fair objection.

7 Q BY MR. ROUCO: My question, Mr. Richardson is, is did you
8 ever use the bathroom stalls during the election? You're
9 muted, Mr. Richardson.

10 A Yes.

11 Q I hate to ask you a question like this, but did you ever
12 use any bathroom stalls where you were -- during the period
13 that the election was ongoing?

14 A Yes, sir.

15 Q And did you see messages that Amazon had put inside the
16 bathroom stalls?

17 A Yes, sir.

18 MR. ROUCO: All right. We will -- I will move for
19 admission of Union 16 for the purpose of showing that there
20 were messages in stalls -- in bathrooms -- in bathroom stalls
21 during the Union's campaign. And this message -- at least I
22 agree with Mr. Johnson that it's not all legible, but you can
23 see there that it says, "Where will your Union dues go"?

24 HEARING OFFICER MEYERS: For the limited purpose of
25 establishing that there were -- there were Employer-related

1 Union messages on the bathroom stalls, any objections to this
2 photograph, Mr. Johnson?

3 MR. JOHNSON: No objections for that limited purpose.

4 HEARING OFFICER MEYERS: Okay. Union's Exhibit 16 is
5 admitted into evidence.

6 **(Union Exhibit Number 16 Received into Evidence)**

7 Q BY MR. ROUCO: Mr. Richardson, thank you for your time. I
8 have nothing further. I believe counsel for Amazon may be
9 asking you some questions or the hearing officer may have --
10 have some questions.

11 HEARING OFFICER MEYERS: Mr. Johnson, do you have any
12 questions for this witness?

13 MR. JOHNSON: Well, yes, but Madam Hearing Officer this
14 sort of brings up the point on how we want to proceed. I mean,
15 we did have the chance to see these certain exhibits that were
16 uploaded yesterday by the Union and I thank Petitioner's
17 counsel for that, but we didn't know who was going to be
18 testifying, of course, until Mr. Richardson appeared today
19 and -- and on what objections, so we do have to take a break to
20 upload a few things and proceed.

21 Both Mr. Broderdorf and I are going to be questioning Mr.
22 Richardson because he did touch on various objections, as we
23 discussed on -- several times in the pre-hearing before the
24 record opened and after the record opened. So I suggest 30
25 minutes and then we'll get back and we'll get to it.

1 HEARING OFFICER MEYERS: Okay. With that, we will take a
2 recess until noon. Off the record. Off the record.

3 MR. JOHNSON: Thank you.

4 HEARING OFFICER MEYERS: Richard?

5 MR. ROUCO: Yes.

6 HEARING OFFICER MEYERS: Do you have a question?

7 MR. ROUCO: Yeah, yeah, I have a -- our next witness. I
8 assume that this will take us close to lunch, this witness. So
9 I have my next witness -- I told him to be ready around 12:30,
10 1 o'clock. So I assume that --

11 HEARING OFFICER MEYERS: Okay.

12 MR. ROUCO: -- that after we question Mr. Richardson, that
13 we'll take a lunch break and then have the -- have my next
14 witness on.

15 HEARING OFFICER MEYERS: Remember, we're all on different
16 lunch times here, since we're all in three different time --

17 MR. ROUCO: I guess it would be breakfast for Harry or
18 brunch.

19 HEARING OFFICER MEYERS: All right. Harry could go out
20 for a brief lunch. I don't know that I'm going to offer -- I
21 mean, how many witnesses do you have today?

22 MR. ROUCO: We have -- we have three other witnesses lined
23 up.

24 MR. JOHNSON: Okay.

25 HEARING OFFICER MEYERS: Okay.

1 MR. JOHNSON: Well, just to be transparent, I mean, we're
2 going to have a lot of questions for Mr. Richardson, both, you
3 know, about what he -- some of the things that he testified to
4 and of course because he brought up various topics, generally
5 we're entitled to ask about that. So I'm not sure if we're
6 going to get through all of Richard's witnesses for today, but
7 we'll do our best.

8 HEARING OFFICER MEYERS: Okay. We will -- upon request
9 after Mr. Richardson's testimony, we will consider a brief
10 lunch break or you could just take this half hour and get
11 yourself a snack, Mr. Rouco. We'll see everybody back at
12 noon --

13 MR. ROUCO: Okay.

14 HEARING OFFICER MEYERS: -- or that will be at -- that'd
15 be 11 o'clock Central time.

16 UNIDENTIFIED SPEAKER: Kerstin, before you leave?

17 HEARING OFFICER MEYERS: Yes.

18 UNIDENTIFIED SPEAKER: Did you admit Exhibits 13 and 14?

19 HEARING OFFICER MEYERS: They were not introduced.

20 UNIDENTIFIED SPEAKER: Okay.

21 MR. ROUCO: Mr. Richardson, did you hear that? We're
22 going to take a 30-minute break and then -- and then be back on
23 for you; is that okay?

24 THE WITNESS: Okay.

25 HEARING OFFICER MEYERS: Great. Thank you.

1 MR. JOHNSON: Thank you.

2 (Off the record at 11:34 a.m.)

3 HEARING OFFICER MEYERS: Court reporter, we are back on
4 the record.

5 THE COURT REPORTER: On record.

6 HEARING OFFICER MEYERS: And Mr. Broderdorf, in an off-
7 the-record discussion, we discussed that you will be the first
8 of Amazon's counsel to take the witness. So Mr. Richardson is
9 yours for purposes of cross-examination.

10 MR. BRODERDORF: Thank you.

11 **CROSS-EXAMINATION**

12 Q BY MR. BRODERDORF: And Mr. Richardson, I'm David
13 Broderdorf. I'm an attorney for Amazon. I have some questions
14 for you regarding your testimony today.

15 A Okay.

16 Q Thank you. Mr. Richardson, you testified about the date
17 where you -- I believe you called them surveys that when you
18 come to work through the A to Z app you would see a survey?

19 A Yes.

20 Q And when do you recall first seeing that -- those surveys?

21 A Well, we had -- we had those -- we had those surveys --
22 we've been having those surveys but it just different questions
23 on there that we just -- we just started seeing, not took --
24 when the Union.

25 Q Right. Isn't that program called the "Connections



1 Program"?

2 A I -- I guess.

3 Q Have you heard of the term Connections Program?

4 A No.

5 Q You never heard that term?

6 A No.

7 Q So with the -- with the survey then that you mentioned,
8 those -- those have been in occurrence at BHM1 since May of
9 2020, right?

10 A Probably -- probably -- probably what -- what they been
11 putting on -- probably what they been putting on there?

12 Q Well, the -- the survey that you have testified about,
13 that's been a program in effect since May of 2020, correct?

14 A That been a -- that been a program -- yeah, the survey --
15 that been up there but certain portions just start -- but yes.

16 Q And with respect to issues in -- in the campaign regarding
17 employees having a voice or not, you testified that in your
18 view, that employees didn't have a voice as -- as things
19 currently stand? Was that your testimony?

20 A Yeah, employees don't have a voice, right.

21 Q Are you familiar with a program at Amazon called "Voice of
22 the Associates" that's been around since BHM1 opened in March
23 of 2020?

24 A No.

25 Q Are you familiar with HR representatives being accessible

1 on the floor since early 2020 when the facility opened?

2 A What you mean "accessive" (sic)? How about -- want me
3 to --

4 Q H -- are HR representatives accessible on the floor for
5 associates to go to for questions or issues during the workday?

6 A It's -- it's not like that.

7 Q Well, but my -- my questions, are they -- are they
8 accessible, or not? And -- that's -- that's my first question.

9 A They on -- they -- they -- they on the floor. Yes.

10 Q And they've been on the floor since Spring of 2020,
11 correct?

12 A Yes.

13 Q And you testified about an A to Z app that Amazon uses to
14 communicate with employees; is that correct?

15 A Yes.

16 Q And are you familiar with the A to Z app having a
17 submission option for concerns or questions?

18 A From they calling it the ERC?

19 Q Well, no, just specifically within A to -- within A to Z,
20 are you familiar with a suggestion or a question feature within
21 the app?

22 A A chat -- a chat app, yes.

23 Q And where does the chat go?

24 A The chat?

25 Q You said there was a chat feature within the A to Z app.

1 So my question is where -- where does the chat go? Who does
2 that chat communicate with?

3 A I don't know who they -- where it go, or who -- or who I'm
4 talking to, I don't.

5 Q Would it -- would it go to somebody representing Amazon,
6 or would it go to someone else?

7 A I guess it'd go to some -- go to someone that represent
8 Amazon.

9 Q And are you familiar with Amazon's open-door policy?

10 A They say they have a open-door policy, but.

11 Q So you're familiar with Amazon communicating that it has
12 one?

13 A Yes.

14 Q And are you familiar with the employee resource center?

15 A No.

16 Q Are you familiar with any -- any function, or feature,
17 called the ERC?

18 A Yes.

19 Q What do you know about the ERC?

20 A When you have -- when you -- when you have a issue. When
21 you have a issue, you can call -- call ERC there to fix the
22 issue.

23 Q And is -- is -- is ERC an Amazon program?

24 A Yes.

25 Q And what issues can the ERC handle?

1 A I guess, issue -- issues that employee supposed to have.

2 Q Do you have any examples or experience?

3 A I called them -- I called them -- I called them -- I
4 called them yesterday.

5 Q And without getting in in any personal issues or privacy
6 issues, what -- what types of issues, in general, can ERC
7 handle?

8 A I guess they supposed to handle the issues that the
9 employees have if they got a issue.

10 Q And are you familiar with Amazon's ethics hotline?

11 A No.

12 Q You don't know anything about an ethics hotline?

13 A No.

14 Q So I have some questions for you, Mr. Richardson,
15 regarding the meetings that you testified about, specifically,
16 I think you said you went to three meetings; is that -- is that
17 correct?

18 A Correct.

19 Q Do you know the dates that you went to those meetings?

20 A No, sir.

21 Q You testified that there were specific individuals who
22 lead those meetings; is that correct?

23 A Yes.

24 Q Do you know the names of those individuals who lead those
25 meetings on the three days?

1 A No, sir.

2 Q When you were in those -- do you know roughly when those
3 meetings occurred?

4 A Sometime -- I think I went to February a couple --
5 January, February, somewhere along in there. I don't -- I
6 don't recall, but somewhere up in there.

7 Q Were the three meetings on different days, or were they
8 all on the same day?

9 A Different days.

10 Q And when you went to those meetings, you testified that
11 there were approximately 12 to 15 employees in attendance; is
12 that correct?

13 A Yes. I had one of them was about 10 and one of them about
14 10 to 12.

15 Q 10 to 12?

16 A Yes.

17 Q And for the three meetings, was it the same 10 or 12, or
18 was there a different grouping for the 10 to 12?

19 A It could be different groups. It don't be the same.

20 Q I'm sorry, could you repeat that?

21 A They -- they don't be the same people.

22 Q So the 10 or 12 could be a different -- a different
23 grouping?

24 A Yes.

25 Q And -- and I realize that you testified about the -- the

1 three meetings without designating a specific meeting on a
2 specific date, so I'll try to make my questions structured in a
3 way where you can respond to your recollection and recall as to
4 what meetings we're -- we're talking about here. But at -- at
5 those meetings, did the -- did the presenter have anything in
6 writing that he or she was showing you, or talking about?

7 A Yeah, they -- they -- they had -- they had a video. They
8 had a video we watched when we -- when we was in there.

9 Q Was there a PowerPoint presentation?

10 A Yes.

11 Q And was that at all the meetings, to your recollection, or
12 just one of the meetings?

13 A Well, I'm just speaking of the ones I -- the ones I was
14 in, it was a -- a video.

15 Q Was there also a PowerPoint presentation?

16 A Yes.

17 Q And do you recall in those -- in those meetings, the
18 company talking about other RWDSU collective bargaining
19 agreements?

20 A Yeah, they was talking about bargaining agreements.

21 Q And the company presenter was talking specifically about
22 what the R -- RWDSU had achieved, or not achieved, in
23 negotiations with other employers, correct?

24 A Yes.

25 Q And specifically, the company presenter talked about the

1 fact that the wages at the other unionized companies were lower
2 than Amazon; is that correct?

3 A Correct.

4 Q And in those -- in those meetings, Mr. -- Mr. Richardson,
5 the company presenter also talked about the fact that in
6 bargaining, wages or benefits can go up, they can stay the
7 same, or they can go down as a result of negotiations, correct?

8 A No.

9 Q So it's your testimony the company did not say that
10 bargaining -- you could end up with more, the same, or less of
11 what you already have?

12 A Well, when I was in there, they said they could -- they
13 could take away your wages and your benefits.

14 Q And was that something they had put in writing, or was
15 that something that the presenter said that was different than
16 what they put up in writing?

17 A That what they said.

18 Q Do you recall if what they put up in writing said that?

19 A No, I -- I can't remember what -- what was in -- what was
20 in writing. But I know they -- you could lose your benefits.

21 Q So if -- if the -- what you were presented said, during
22 bargaining you could end up with more, the same, or less of
23 what you already have. You're saying that the presenter said
24 something different?

25 A You could lose your wages and your benefits. And we can't

1 guarantee you anything.

2 Q When Amazon presented this information in the -- in the
3 meeting, Mr. Richardson, did you understand that this was part
4 of Amazon's campaign communications to you as an eligible
5 voter?

6 A Only thing I was thinking, why they -- why they coming at
7 us trying to convince us to vote no for the Union. That's -- I
8 guess, yes.

9 Q So when you would participate, you knew this was Amazon --
10 Amazon's speech regarding the campaign, correct?

11 A Correct.

12 Q And was there any aspect of those meetings that where you
13 thought that Amazon was forging documents or providing
14 deceptive information regarding the -- the messages that they
15 were providing you?

16 A Yeah, I felt like it was a nontruth.

17 Q So you thought -- you thought the information was -- was
18 incorrect; is that what you're saying?

19 A Yes.

20 Q But you ultimately understood it was coming from Amazon as
21 part of the campaign, right?

22 A Right.

23 Q And are you familiar with the RWDSU during the campaign
24 putting out information regarding collective bargaining and
25 what happens in collective bargaining?

1 A Could I -- campaign -- no.

2 Q And you don't -- you don't recall seeing anything from the
3 Union about collective bargaining?

4 A No.

5 Q Do you recall the RWDSU putting out guarantees to
6 employees?

7 A No.

8 Q Do you recall them guaranteeing that wages wouldn't go
9 down if they were voted in?

10 A No.

11 Q Do you recall them guaranteeing that they would represent
12 employees in meetings?

13 A Yeah, they will -- they -- they will represent employees
14 when it come to -- it could -- things could be negotiable.

15 Q I have some questions for you regarding the -- the swag
16 items that you testified about, specifically, the -- the car
17 tags that -- that were shown through Union Exhibit 15. Mr.
18 Richardson, during the meeting -- or the meetings that you
19 attended, and let's -- let's start with the -- with the -- the
20 car tags. Where were those car tags placed?

21 A On the back of a -- on the back of a table when you
22 entering out. I had it on a table.

23 Q And it was an option for employees to take those tags on
24 their way out of the meeting if they wanted to, correct?

25 A Yes.

1 Q Did any Amazon manager or supervisor hand out those tags
2 to employees during the meetings that you attended?

3 A Well, when you walk out the door, they -- when you walk
4 out the door, the H and R woman was back there. She -- she --
5 she would grab one and say, y'all can take these if you want
6 to. So we --

7 Q So it's your testimony there was an HR representative who
8 was handing them out?

9 A Yes. She was back there. They -- they still had the
10 option of taking it. But she, like, like, you walking out the
11 door and she hand out, you could get some of these if you want
12 to. Yes.

13 Q Okay. So it's your testimony she wasn't forcing anyone to
14 take any of them, but --

15 A Right.

16 Q -- to take those tags. But she was -- she was actually
17 touching them and handing them out?

18 A Right.

19 Q And who was that?

20 A I don't know. I don't know her name.

21 Q You don't know her name? Do you know which meeting it was
22 at that she did that?

23 A I think it was my third meeting.

24 Q But you don't recall the date of that meeting?

25 A No, sir.

1 Q And in addition to -- to tags, didn't the company also
2 have "I voted" materials available, if employees wanted to take
3 them?

4 A "I voted"?

5 Q Yes, "I voted" materials. Did you see those?

6 A They had -- they had -- they had -- they had "voted" --
7 "vote" voting material. I don't know if it say "I vote", but
8 it say "Vote", "Vote no", "Vote yes".

9 Q So you -- so you've seen "Vote" materials that just say
10 "Vote"?

11 A Yes.

12 Q And in fact, on the outside of the Amazon fulfillment
13 center, there was several large banners that just said "Vote",
14 right?

15 A Yes.

16 Q They didn't say "Vote no", they just said, "Vote"?

17 A Yes, they just said, "Vote". But you got to -- you got --
18 they had shirts say, "Vote" too.

19 Q And apologies if this is repetitive, but it is an
20 important question just because of your reference to an HR
21 person passing out materials. What -- what month was that in?

22 A I think this was -- we had anti-Union -- I -- I --
23 February?

24 Q And do you think early February, later in February?

25 A Probably in the middle of February sometime, early,

1 middle. I don't recall.

2 Q And during the -- during the campaign, did -- did the
3 Union make any swag available to employees if they wanted to --
4 to get the swag?

5 A The swag?

6 Q Well, let's just -- so for example, did the Union have
7 anything available to employees, T-shirts, pens, anything like
8 that?

9 A Yeah, they -- we -- they issue out T-shirts and items,
10 yes.

11 Q And was it optional for employees to take those items from
12 the Union if they wanted to?

13 A Yes.

14 Q And some did, and some didn't, right?

15 A I guess, right.

16 Q And like the company materials you testified about, some
17 employees took them, and some didn't, correct?

18 A Correct.

19 Q Mr. Richardson, you -- you testified that during one of
20 the meeting -- or at least one of the meetings, but I -- I'll
21 ask you to -- to be as specific as you can, have you spoke up
22 regarding an issue of -- an issue around hazard pay; do you
23 remember that testimony?

24 A Yes.

25 Q And so you -- you -- you testified that Amazon had

1 eliminated the hazard pay; is that correct?

2 A Correct.

3 Q And so what specifically did you say during that meeting?

4 A I said, y'all proved to us that y'all could take the 7 --
5 the 17 hours' hazard pay away of -- y'all could take that away
6 anytime y'all get ready, because we still get confirmed cases
7 when it come to corona pandemic.

8 Q And then, during that meeting, was that the same meeting?
9 Then you had the -- you had a follow-up discussion with a
10 presenter, or -- or a company manager?

11 A Yes, sir.

12 Q And do you recall the name of the person you spoke with?

13 A No, sir. I think it -- no, I can't -- I -- Don -- Dom --
14 I don't -- I don't recall.

15 Q And where was that follow-up conversation?

16 A After the meeting.

17 Q So the meeting had ended? And then did you go into the
18 hallway, or did you go somewhere else to have a conversation?

19 A Well, he -- after that meeting, after everybody -- after I
20 got up, he asked me, can he speak to me? And it was -- it was
21 in the back of the room, in -- in the training room.

22 Q And when you -- when you got up, was that at the end of
23 the meeting?

24 A Yes, sir.

25 Q Did you get up with everyone else at the end of the

1 meeting?

2 A Yes, sir.

3 Q And then you went to the back to have the conversation?

4 A He told me -- he asked me, can he speak to me now?

5 Q And how did you -- and what did you say?

6 A Yes, sir.

7 Q And did you go have a conversation?

8 A Yes, sir.

9 Q And what happened during that conversation?

10 A He would -- he asked me, do -- he said, about -- I like --
11 I'm glad you're speaking up. If you got questions, that's good
12 for you to be -- that's good you voicing your opinion. And we
13 need -- we wish you -- we wish -- we wish we had you on our
14 side. And if you -- if you -- if you ever thought about moving
15 up -- if you ever thought about moving up? And I said, I --
16 I -- I tried to do a transfer, but they denied my transfer.
17 And he asked me, if I got any question, or want to talk to him?
18 He let me know about, you know, moving up.

19 Q And after that conversation, did you go back to work?

20 A Yes, sir.

21 Q As a result of speaking up in that meeting, were you
22 disciplined or -- or punished in any way?

23 A No, sir, not after the meeting.

24 Q And you testified about -- about your badge being scanned,
25 was that -- was that the same meeting that you had spoken up

1 about hazard pay?

2 A That was a -- it was the -- this one right here was the
3 first meeting.

4 Q The first meeting your badge was scanned?

5 A Yes.

6 Q And were the other attendees at the meeting, were their
7 badges scanned as well?

8 A I don't -- I don't recall.

9 Q Is it very common to scan badges at Amazon in order to
10 manage employees' time in the system?

11 A Yes, I guess, to a certain issue. Yes, I guess -- I guess
12 so, yes.

13 Q And you also testified about a meeting where you had
14 spoken up regarding employees having a voice, or in your view,
15 not -- not having a voice. Was that a different meeting, or
16 was that the same meeting that you had brought the issue of
17 hazard pay?

18 A That's a different meeting.

19 Q Okay. So that was the -- that was the -- a second or
20 perhaps the third meeting? Because you testified you went to
21 three?

22 A Yes.

23 Q And what did you say when you spoke up on that issue?

24 A That one just me. I just -- I just told them, how do --
25 we -- we can't -- we don't have a voice, because we -- every

1 time we don't know who our supervisor is. And then, when we
2 have a issue, don't nobody come around until something go
3 wrong. We just don't have a voice. And then when you voice
4 your opinion, or say something, it just, like, come out of one
5 ear and go in another. And they were just -- we don't have a
6 voice out there.

7 Q And after you spoke up at that meeting, did the Amazon
8 presenter, or any other supervisor or manager, ask to speak
9 with you after the meeting ended?

10 A Yeah, they -- I think that one right there, they did
11 not -- they -- after I asked so many -- after I raised my hand,
12 asked a couple -- spoke out, they -- they closed the floor
13 down. They said, well, we got to end it. We -- we already
14 stayed in here long enough. We shut the floor. Anybody have
15 any questions after, y'all can talk to us. I said, I could, so
16 aggravated.

17 Q Okay. And then, so you left the meeting at that point?

18 A Yes.

19 Q And did you leave the meeting at the same time as everyone
20 else?

21 A Yes.

22 Q And then -- and you went back to work?

23 A Yes.

24 Q I have some questions for you regarding your testimony
25 about -- about a transition you made at some point to the third

1 or four -- fourth floor, you testified about that earlier.

2 A Yes, sir.

3 Q Do you know who your area manager is that the facility?

4 A It -- it -- my area manager is -- I think her name Calissa
5 (sic).

6 Q Yeah, it's Carissa Godwin; does that sound right?

7 A Yeah, that about sound right. Yes, sir.

8 Q Okay. And do you recall in early January that she became
9 your area manager?

10 A No. I didn't -- I didn't know somebody -- because it
11 was -- I think so, I think by that time.

12 Q And so -- and is that -- is that about the same time where
13 you moved from the first or second floor to the third or fourth
14 floor?

15 A January, February, sometime.

16 Q Yeah.

17 A I -- I think so.

18 Q And isn't it true that the -- the fourth floor is actually
19 the busiest, or one of the busiest area for pickers; isn't that
20 correct?

21 A I don't -- I don't know how it work.

22 Q I'm sorry, could you repeat that?

23 A I don't -- I don't know -- I don't know how it work. They
24 don't tell me which is busy floor. They -- I don't know how it
25 go.

1 Q And at the same time that you transitioned to Ms. Godwin
2 being your area manager, do you recall any of the other
3 employees who also had the same transition in January 2021?

4 A No.

5 Q So if I -- if I read some names to you, could you let me
6 know if you recall them having the same transition as you?

7 A Yes.

8 Q Do you know a Jalon Clayton -- or excuse me, Jalon Clay?

9 A No.

10 Q Johnathan Woods?

11 A No.

12 Q Kelvin Bell (phonetic)?

13 A No.

14 Q Kiana Goggans?

15 A No.

16 Q Martha Wilson (phonetic)?

17 A No.

18 Q Nigel Morrow?

19 A No.

20 Q And Stephanie Poor (phonetic)?

21 A No.

22 Q So you don't know any of them? And you testified earlier,
23 that to your knowledge, the Union organizing at the facility
24 started in August of 2020; is that -- was that your testimony?

25 A As I recall, yes.

1 Q And you testified that you were fairly vocal during the
2 organizing with media interviews or other activities; is that
3 correct?

4 A Correct.

5 Q And to your knowledge, when did Amazon know that you were
6 active in the organizing drive?

7 A I guess from day 1, because I was -- I was -- I was
8 approached by -- I was approached by some PA -- some PA
9 assist -- or PA -- some process assistants.

10 Q Can you -- can you expand on that answer a bit more? I
11 don't necessarily understand why the process assistant
12 conversation meant that Amazon knew about your activities.

13 A Well, a lot of them come up to me, we seen you on the
14 news. We thought you was --. A couple of them came to me and
15 said they thought I was fired. I thought you was fired? I was
16 asked, why? Because we seen you on the news. We seen you on
17 the news. We just thought -- we thought they had fired you.

18 Q And so when -- when were you on the news?

19 A Multiple times.

20 Q Do you remember what month, or months, last year?

21 A Well, I guess, they saying the news as reporters speaking
22 out, things like that, the media.

23 Q Well, what -- what -- what month, or months, do you -- do
24 you recall that there were articles, or -- or segments about --
25 about you? Was it August? Was it September?

1 A I can't give you the exact thing. But I -- I got it all
2 on my phone. I can't give you that exact date. But I -- I
3 have it on my phone.

4 Q Can -- can you be certain though that by October of last
5 year that you were -- you were known in the media?

6 A Only in October?

7 Q Yes.

8 A Yes. Yes.

9 Q Okay. And by that time in October, did you have any
10 conversations with a supervisor or a manager, I'm not talking
11 about process assistants right now, about your activities on
12 behalf of the Union organizing?

13 A Yes. When -- when -- when the -- the guy that had talked
14 to me at the end of a -- at the end of that -- at the end of my
15 anti-Union meetings, and I told to report me to the back of the
16 room, he said he -- when I got up, he said he wanted to talk to
17 me?

18 Q Yes.

19 A He a -- he a -- he approached me at my machine one day.
20 And he came -- he came to me and -- he came to me and told me,
21 I -- I admire you for speaking out. I seen you on a -- I seen
22 you on a video. And I res -- I res -- I respect you.
23 Employees do need to be getting -- employees do need to be
24 getting treated right. And there do need to be a lot of
25 changes. And -- and I said, I told him, I said, thank you.

1 Q Um-hum.

2 A But he just said --

3 Q Yeah, please -- please finish your answer.

4 A And there was upper manage -- upper management. I was
5 just surprised he gave me that conversation.

6 Q You testified earlier regarding some communications from
7 Amazon about the ability to access, or speak with a supervisor,
8 as it relates to the organizing campaign; do you recall that
9 testimony?

10 A Repeat that, sir.

11 Q Do you recall your testimony about Amazon communications
12 about being able to access your supervisor in the event that
13 the Union were to win the election?

14 A Yes.

15 Q And were you aware at the time that the Union was -- was
16 communicating to employees that they would represent employees
17 during meetings with supervisors, or the company, if the Union
18 were to win?

19 A No.

20 Q So you don't recall seeing anything from the Union about
21 that?

22 A That the company would -- the company would recognize
23 the -- the employees if the Union would come in?

24 Q No, I'm asking about -- you -- you had testified that the
25 company put out communications that said if the Union were to

1 come in that the ability to work with your supervisor to solve
2 issues, or deal with issues, would be limited, correct?

3 A Correct. Correct. Correct. Yes, sir.

4 Q And -- and the Union was also putting out communications
5 during the campaign about representing employees in meetings
6 with the company and supervisors, correct?

7 A Correct.

8 Q And when Amazon put those communications out, did you
9 understand that they were part of Amazon's campaign
10 communications?

11 A Yes, I guess, yes.

12 Q You understood they were coming from Amazon?

13 A That they won't -- they won't represent -- that they won't
14 represent the company, if the Union come in?

15 Q No.

16 A Well, the Union --

17 Q By who -- let me -- let me clarify. My question now is
18 when you got those communications from Amazon, which you
19 already testified about that -- that you did, my question is,
20 did you understand that those were coming from Amazon as part
21 of the campaign?

22 A Okay, yes.

23 Q And did you have any reason to believe that that they were
24 forged communications or deceptive communications when you
25 received them?

1 A I -- I felt like they was -- what's the word? Lying.

2 We -- they -- yeah.

3 Q Okay. So you thought -- your reaction was that the
4 information was false?

5 A Right.

6 Q Is that your -- that's what you are testifying is?

7 A Right.

8 Q A -- a -- a misstatement?

9 A Yes.

10 Q Or a misrepresentation?

11 A Right.

12 Q But ultimately, you knew that that was Amazon's campaign
13 speech, right?

14 A Right.

15 Q And I have some questions for you about the police
16 officers, the off-duty police officers there at the site. So
17 you testified that -- that there was a -- that -- or that
18 there -- or earlier that there was a police car on site; is
19 that correct?

20 A Right.

21 Q And that police car has been there since last July,
22 though, right?

23 A Yes, I -- if I can -- I guess.

24 Q And the police are -- are on site at the facility because
25 Amazon decided to have additional security following a gun

1 incident with an employee, correct?

2 A I don't -- I don't remember that. I don't recall -- I
3 don't recall that's the reason.

4 Q So you started working at the site in, I believe you
5 testified March 2020; is that correct?

6 A Correct.

7 Q Are you familiar with an incident in June 2020 where an
8 employee brought a gun and threatened -- threatened other
9 employees and security guards?

10 A I remember a gun incident.

11 Q And the police came out and stayed shortly after that gun
12 incident, correct?

13 A I don't recall.

14 Q And you testified that the organizing activity started
15 in -- in August of 2020; is that correct?

16 A Yes.

17 Q And by activity, are you referring to passing out flyers
18 or -- or standing at the entrance and exit?

19 A Yes.

20 Q And have you actually met any of the -- the police
21 officers?

22 A No.

23 Q Have you ever talked with one of them?

24 A No.

25 Q Did you ever see a police officer bear fear with anyone

1 trying to vote in the election?

2 A No.

3 Q Did you ever see a police officer fill out any mail
4 ballots or -- or pick up any mail ballots?

5 A No.

6 Q Did you ever see any police officers ask employees whether
7 they supported the Union or not?

8 A No.

9 Q Did you ever see any police officers arrest any Union
10 supporters?

11 A No.

12 Q Did you ever see any police officers confiscate any Union
13 material?

14 A No.

15 Q Did you ever see any police officers push or -- or touch
16 any -- any organizers?

17 A No.

18 MR. BRODERDORF: Madam -- Madam Hearing Officer, I just
19 need about 30 seconds and then --

20 HEARING OFFICER MEYERS: Okay.

21 MR. BRODERDORF: -- you can go ahead and transition to Mr.
22 Johnson's phase of the cross.

23 HEARING OFFICER MEYERS: Okay.

24 MR. BRODERDORF: Thank you.

25 MR. JOHNSON: Thank you.

1 Q BY MR. BRODERDORF: Mr. -- Mr. Richardson, one follow-up
2 question from -- from me. Earlier in your testimony, you --
3 you said that -- or you testified that there was somebody from
4 the company. I have a few questions about who that was, but
5 you testified that there was somebody who was actually filling
6 out a ballot for an employee; do you recall that testimony?

7 A Yes.

8 Q And so who was the employee involved with that
9 interaction?

10 A I don't -- I don't know the -- I don't know the employee,
11 and I don't know the ind -- individual. I was just working at
12 my station and I -- and I seen it. And I --

13 Q Okay. So -- so where were you -- where were you at at the
14 time you saw this?

15 A I was at my station.

16 Q Okay, so you were at your station. And then where is the
17 employee and this other person?

18 A Well, I'm -- I'm a picker. And the station -- the station
19 she was working, she was a storer. And sometimes you have
20 storer, picker, storer, picker, stations like that. And then
21 sometime in the area, you just have all storers and all
22 pickers.

23 So I was a picker at my station. And I was just so
24 happen, turned around, and seen, looking down at they -- at --
25 at her station. And he was showing her how to fill our

1 ballots.

2 Q Um-hum. Do -- do you remember what floor you were on?

3 A I don't recall.

4 Q And do you remember what -- what week or date that this
5 happened?

6 A No.

7 Q And do you remember what the -- what the two -- what the
8 two individuals looked like?

9 A I don't want to lie. I can't -- I can't describe them.

10 Q Okay. And how do you know if one was an eligible voter or
11 is it possible both were -- both were voters?

12 A I don't know -- I don't know how -- what -- I don't know
13 what she voted. But I felt like -- I -- I felt like it was
14 wrong for a -- somebody in management -- evidently to me, my --
15 my opinion, if it was a yes vote, they wouldn't have -- they
16 wouldn't -- they wouldn't have done it.

17 Q Well, what was -- what was the reason you thought someone
18 from management was talking to this employee? Because you
19 don't -- you don't recall what the person looked like and you
20 don't recall who it is, so my question for you is what's your
21 basis for saying that at least one of those persons was an
22 Amazon manager?

23 A She had -- she had appeared out of no place. And ain't no
24 employee going to come and ask you -- ain't no employee going
25 to come in and -- and talk to you about filling out your

1 ballots or keeping notes on you about issues. So I felt like
2 it was somebody from management.

3 Q You said you felt like it, but it's -- it's possible the
4 person was not sent in from management?

5 A It was somebody from management.

6 Q But I'm asking you how -- what -- what's your basis for --
7 for concluding that?

8 A Well, I could -- I could -- I -- I could tell -- I could
9 tell management from -- from an employee.

10 Q Well, what are -- what are the facts that you're relying
11 on to say that somebody's a manager who you don't know what
12 they look like, you don't know who they are? So my question
13 for you is what facts are you relying on to say that this --
14 one of the two people was someone from management?

15 A Keeping notes and showing her how to fill it out and they
16 had they -- they -- they -- they -- oh -- they notepad.

17 Q So it's the notepad that makes you say they were someone
18 from management?

19 A Of course.

20 Q And about how far away were you?

21 A Just like -- I'm a little over six feet away from her.
22 I'm not -- I'm not -- my machine is right there next to them.
23 I'm look -- I couldn't stand still. I can't stand still and --
24 and just -- just really focus on them because my machine's
25 running and I didn't want to stop TOT time.

1 So I kept on running. So I couldn't keep my eyes on them
2 like that. So every -- every once in a while, I'd glance. I
3 just couldn't step off my station and go and really just look
4 at them. I was working my station and I would just notice that
5 the -- the blue -- the -- the blue ballots and the yellow
6 ballots.

7 Q And the machinery that you're working on, you know, those
8 are a lot of sound or noise in that area?

9 A Yes, sir.

10 Q And based upon that sound or noise, could you hear
11 anything at all those two people were talking about?

12 A No.

13 Q And isn't it possible that they were, whoever they were,
14 talking about how to fill out a ballot and not actually filling
15 out a ballot?

16 A She was -- she was -- she was showing -- she as showing
17 her how to fill it out, helping her fill it out. And she was
18 working like I was, so she couldn't -- she couldn't actually
19 stop off her machine, either, and just filling the ballots out.
20 So I seeing both of them holding the ballots, writing on the
21 ballots.

22 Q But it's possible that that was simply sample forms that
23 they were talking about or looking at; isn't that true?

24 A But you -- you have you opinion; I have mine.

25 Q So ultimately, it's your -- your opinion about what they

1 were talking about, who they were, and whether or not anyone
2 actually had a real ballot in their hands that day, correct?

3 A That's what I had -- they -- they do have fake
4 [ballotses]?

5 Q It's your -- specifically, I'm -- you know, your
6 testimony --

7 A I'm --

8 Q If you're --

9 A I just --

10 Q -- (audio interference) sample ballots or not from the
11 NLRB.

12 A Well, they -- they put the ballots in the -- if -- they
13 seal the ballots in the envelope. So I felt like it -- they --
14 they filled it out. They put it in the envelope with the real
15 ballots. And the one -- the -- the one that showed them how to
16 fill it out, the employee didn't leave with the ballots.
17 The -- the one that helped her fill the ballots out left with
18 the ballots.

19 MR. BRODERDORF: Okay. Thank you, Mr. Richardson. I
20 think we're going to transition to Mr. Johnson. But just a
21 very brief pause here, Madam Hearing Officer, if that's
22 acceptable. And then we'll transition. Thank you.

23 THE WITNESS: Thank you, David.

24 MR. JOHNSON: Hello, Mr. Richardson, how are you?

25 THE WITNESS: How you doing?

1 MR. JOHNSON: I'm doing, all right, sir. I hope you're
2 doing the same. Did you have a chance to see the exhibits that
3 we uploaded?

4 THE WITNESS: No, sir.

5 MR. JOHNSON: Okay. Well, that might be a problem because
6 I will be asking you about some of them. You know, your words
7 or Richard. I don't know what your preferences in terms of
8 who's going to be on for Mr. Richardson.

9 But it probably makes sense for him to have a chance to
10 review them. Otherwise, we're just going to stop repeatedly
11 during the testimony for him to do that, Madam Hearing Officer.
12 I suggest, you know, he take whatever time he needs to look at
13 them. They're not that many. And they're not that long.

14 THE WITNESS: Okay. I could -- I could -- I could stop
15 and look at them and come back in.

16 HEARING OFFICER MEYERS: Okay. Why -- why don't we do
17 that. We'll take a brief recess. Why don't you come back on
18 when you're ready?

19 THE WITNESS: Okay.

20 HEARING OFFICER MEYERS: Okay.

21 THE WITNESS: Okay.

22 HEARING OFFICER MEYERS: And they've been mailed to you.

23 THE WITNESS: Okay, then.

24 HEARING OFFICER MEYERS: And in addition, Mr. Johnson,
25 when I ask you to pre-mark the exhibits, can you guys make sure

1 that in the future you've actually marked the exhibits?

2 MR. ROUCO: Yes.

3 HEARING OFFICER MEYERS: Not name them?

4 MR. JOHNSON: I'm sorry. (Indiscernible).

5 MR. ROUCO: Madam Hearing Officer, could -- could I be
6 emailed what was sent -- what was emailed to Mr. Richardson?

7 HEARING OFFICER MEYERS: He was emailed everything that's
8 in SharePoint, Employer's Exhibits 1 through 8, except, with
9 the exception of Exhibit 7 is too big. Is it 7 -- is the
10 bailiff here?

11 THE BAILIFF: Yes, it was Number 7 that I couldn't get
12 to -- send via email. I can forward the email that I sent to
13 Mr. Griffin (phonetic throughout) to his counsel -- to the
14 Union counsel.

15 HEARING OFFICER MEYERS: Thank you, Kami).

16 MR. JOHNSON: All right, so we just go on a brief recess,
17 I guess?

18 HEARING OFFICER MEYERS: We are on a brief recess. Okay.
19 (Off the record at 12:56 p.m.)

20 HEARING OFFICER MEYERS: Are you ready to cross-
21 examination Mr. Richardson?

22 MR. JOHNSON: Yes. My first question was going to be have
23 you had a chance to review the exhibits? So I just want to
24 find out before we go on the record. Yeah.

25 HEARING OFFICER MEYERS: You're on mute, Mr. Richardson.

1 THE WITNESS: Can you hear me?

2 HEARING OFFICER MEYERS: Yep.

3 MR. JOHNSON: Okay.

4 HEARING OFFICER MEYERS: We can now.

5 MR. JOHNSON: Okay.

6 HEARING OFFICER MEYERS: Mr. Johnson?

7 MR. JOHNSON: Yes, I'm ready when you are.

8 HEARING OFFICER MEYERS: Okay. Sorry we're -- we're
9 ready. We're on the record and waiting for you.

10 MR. JOHNSON: Oh, all right. My -- I apologize, Your
11 Honor.

12 **RESUMED CROSS-EXAMINATION**

13 Q BY MR. JOHNSON: So Mr. Richardson, it's my understanding
14 you had a chance to review our exhibits during our break or
15 maybe even before. And you should have been sent Employer
16 Exhibits 1 through 8 was my understanding that Exhibit 7 didn't
17 come through; did you have a chance to review 1 through 6 and
18 Employer Exhibit 8?

19 A 1 through 6?

20 Q Yes.

21 A Yes.

22 Q Okay. And did -- did we manage to or did anyone manage to
23 get Employer Exhibit 7, which is a -- a -- a Amazon Union Dues
24 paper addition paper to you?

25 A Yes.



1 Q Okay. So you've seen Exhibit 7, too?

2 A Yeah, I got -- I got Exhibit 7.

3 Q Okay, thank you, sir. Okay. Let me ask first about going
4 back to the Union exhibits for further documents we were
5 looking at this morning when Mr. Rouco was examining you, can
6 you flip to Union 16? (Audio interference). This is the
7 bathroom stall picture, right?

8 A Right.

9 Q Okay. And I believe you testified you started working at
10 BHM1 in March 2020; is that correct?

11 A Correct.

12 Q Okay. And at -- at or about that time, isn't it true that
13 there were newsletters just like this one or newsletters that
14 were in bathroom stalls for employees to read?

15 A You said newsletters like these?

16 Q Well, like -- like --

17 MR. JOHNSON: Let me withdraw the question. Let me ask it
18 you this way:

19 Q BY MR. JOHNSON: There were news postings that Amazon sent
20 to employees inside bathroom stalls, right?

21 A I don't -- I don't -- I don't -- I don't recall.

22 Q Okay. Well, is it -- let me -- let me ask you what you do
23 recall. There were news postings where Amazon publications
24 that were inside bathroom stalls before August 2020, right?

25 A It -- it -- it -- it -- it could have been. I don't

1 recall.

2 Q Okay. So it's fair to say that you don't recall when
3 those -- that practice started; is that fair to say?

4 A Some of the -- some of the anti-Union -- the anti-Union
5 flyers?

6 Q Well, I'm talking about any company flyers. Any company
7 publications, anything. That -- that -- that practice started
8 before August 2020, right? Do you understand my question?

9 A Yes.

10 Q Okay. And so did that practice of putting up newsletters
11 and publications from Amazon started before August 2020,
12 correct?

13 A Right.

14 Q Okay. And let me -- you -- you testified something about
15 wages; now, if you were hired in March or April 2020, you would
16 be on the same wage step plans as everybody else, right?

17 A I -- I should be.

18 Q Okay. And that's a nationwide step plan, right?

19 A I guess.

20 Q Okay. Well, is it fair to say you don't know whether or
21 not it is a nationwide step plan?

22 A Due to the -- due to the wage claim?

23 Q Yes, sir.

24 A Okay. I don't know if it's a -- it's a nationwide.

25 Q Okay. Do you know that it applied to facilities other

1 than BHM1?

2 A Could be.

3 Q Okay. Well, I -- I don't want you to testify to anything
4 that you don't actually know about. So would it be fair to say
5 you don't know what facilities the wage plan applied to?

6 A Right. Okay.

7 Q Okay. All right. Do you know that the wage plan, though,
8 it's -- is called a step plan?

9 A Yeah.

10 Q Do you know that?

11 A Yes.

12 Q Okay. And because people go up in steps, their wages go
13 up the longer they've been employed at Amazon; is that your
14 understanding?

15 A When it come to the step plan, right.

16 Q Right. Okay. Thank you, sir. And so one of the steps
17 is -- is six months out, right? One of the steps?

18 A Yes.

19 Q Okay. And so you had reached six months by October of
20 2010 (sic) and so you went up a step then, right?

21 A I didn't -- okay. Yeah, I went up a step.

22 Q Okay. So -- and everybody else that was hired at the same
23 time, to you knowledge, went up a step, too?

24 A As to my knowledge.

25 Q Okay. As to your knowledge? I mean, did you know, or did

1 you discuss wages with anybody else at the -- at the facility?

2 A No -- way -- I -- we didn't -- we haven't discussed wages
3 until they gave -- they gave that first raise when the Union
4 came right there. That's the only time wages been discussed,
5 when we getting a raise.

6 Q Well, I understand your -- your testimony in that. But
7 what I'm saying is, do you have any idea when other people's
8 wages went up, according to the step plan, besides you?

9 A No. I -- I don't know.

10 Q Okay. But just talking about your wages, they went up
11 after you passed six months of employment at Amazon, right?

12 A Right.

13 Q And that was because of the step plan, right?

14 A I didn't know nothing about no step plan.

15 Q Okay. So this was all news to you when it happened?

16 A Yes, sir.

17 Q Okay. So would it be -- did you go and in -- investigate
18 whether or not Amazon had a step plan at that point in time?

19 A Amazon don't communicate with us on nothing. So we
20 just -- we just go to work and do what we do. We'll -- it
21 ain't no conversation. Ain't no communication.

22 Q Okay. And I understand your position, your point of view,
23 but just so I understand the facts. You -- your testimony is,
24 you were not aware you were on a step plan?

25 A No. No, sir.

1 Q And your testimony is you don't know anything about how
2 the step plan works?

3 A No.

4 Q Okay. So do you -- just so the record's -- do you know
5 anything about how the step plan works at Amazon?

6 A They did -- they didn't know -- we didn't -- we don't know
7 nothing about how we get a raise or when we were going to get
8 or nothing.

9 Q Okay. I'm just asking about what you know --

10 A No.

11 Q -- for now.

12 A No, no.

13 Q So is it fair to say you don't know anything about how the
14 step plan works?

15 A No, I don't.

16 Q Is that fair to say?

17 A Right.

18 Q Okay. And that would include who the step plan applies
19 to?

20 A Yes.

21 Q You don't know anything about that, right?

22 A No.

23 Q Okay, just -- I just want to make sure the record's clear
24 here. So if -- if I -- well, let me ask it to you this way:
25 You don't know anything about how the step plan applies to you

1 or other employees at BHM1; is that correct?

2 A Correct.

3 Q Okay. Thank you, sir. Sometimes I'm a little slow. I've
4 been accused of that. All right. So one quick question about
5 the -- let me direct your attention to flip to Union Exhibit
6 10. It's the picture of the tent with the sign on the side.

7 A Okay.

8 Q All right. And I believe you were -- you testified that
9 this sign that you can see on the building is a (audio
10 interference) sign that says "vote", right?

11 A Correct.

12 Q Okay. And all of the signs on the building like that
13 simply says "vote", right?

14 A Right.

15 Q All right. So now, let me just ask you some more
16 questions about the mailbox. So no Amazon supervisor or
17 manager ever came to you and said, Mr. Richardson, you know,
18 we're going out with a group of other people and everybody's
19 going to mail their ballot now using our mailbox, right?

20 A Right.

21 Q Okay. And no supervisor or manager at Amazon ever gave
22 you a direct order or under threat of discipline to go use that
23 mailbox, right?

24 A Right. They aren't going to come to me, anyway.

25 Q Okay. But I -- my question is they -- did this happen?

1 And you answer is no, it didn't, right?

2 A Right.

3 Q Okay. So you were never, ever disciplined on the basis of
4 what ballot box you decided to use, right?

5 A No.

6 Q Okay. And do you have a mailbox near where you live?

7 A Do I have a mailbox?

8 Q So do you have a mailbox?

9 A Yeah, at my residence.

10 Q And you could have used that one to mail your ballot in,
11 right?

12 A Right.

13 Q And you could -- you understood that you could use any
14 mail ballot box or any -- sorry. You could mail your ballot at
15 any mailbox in the Birmingham area, right?

16 A Yeah, you could -- you could -- you could mail it anywhere
17 in the Birmingham area.

18 Q Right. That was your understanding after all was said and
19 done with the Employer's campaign or the Union's campaign; am I
20 right?

21 A Right.

22 Q Okay. Did you drop off your ballot at the parking -- the
23 BHM1 mailbox?

24 A Who, me?

25 Q Yeah, you.

1 A Of course not.

2 Q Okay. So to the extent that anybody wanted to use that
3 box, that was their choice, right?

4 A You could say that.

5 Q Okay. And you made the choice not to use that mailbox,
6 right?

7 A Right.

8 Q Okay. Do you know anybody else who didn't use that
9 mailbox in the BHM1 parking lot?

10 A Yeah, I know a -- I know a couple employees didn't use
11 that mailbox.

12 Q No, I'm talking about people who didn't use that mailbox.
13 Do you know anyone who didn't use that mailbox?

14 A Yes.

15 Q Okay. And those employees weren't disciplined as far as,
16 you know, by Amazon for using another mailbox, right?

17 A Right.

18 Q Amazon never required employees to use that BHM1 parking
19 lot mailbox to mail their ballots, right?

20 A They did not inquire employees to use their mailbox?

21 Q They did not re-, require, I'm sorry, sir. They did not
22 require employees to use that BHM1 parking lot mailbox, right?

23 A Did -- you mean, did they tell employees to use it?

24 Q No, no, I'm talking about require. Did they order
25 employees to use it? And I think -- I think you testified, but

1 I -- you know, Amazon never ordered employees to use that BHM1
2 parking lot mailbox, right?

3 A You could say that.

4 Q Okay. And you can say that because that no one ever got
5 demanded to use it, right?

6 A It's -- it -- it speak for itself on the side of the
7 mailbox, don't it?

8 Q Well, that's right. Sort of. But my question is, Amazon
9 didn't order people to do that, to use a particular mailbox?

10 A Okay.

11 Q Is that correct?

12 A Right. (Audio interference)

13 Q I'm sorry, I didn't hear you.

14 A Yes.

15 Q Okay. The message from Amazon was that the mailbox was a
16 choice for mailing people's ballot if they wanted to use it
17 from the BHM1 parking mailbox, right?

18 A They didn't force them to use it.

19 Q Okay. You -- you just say, they forced employees to use
20 that box?

21 A I said, you said they did not force Amazon and their
22 employees to use the mailbox.

23 Q Correct, correct, that's what I'm saying. And did they
24 force employees to use that BHM1 parking lot mailbox?

25 A I ain't going to say the word is forced, but I feel like

1 they pushing to harass people to use it.

2 Q Okay. Well, didn't they send messages saying they
3 suggested people could use it if they wanted to?

4 A Please put your mail in the mailbox here. Okay, you
5 could -- yes.

6 Q Okay. Let me ask you now to look at the Employer exhibits
7 on this. And specifically Employer Exhibit Number 1, if you
8 have that in front of you.

9 A Yes.

10 Q Okay. And let me -- what I presented for the hearing;
11 this looks like a text message. But I'm just going to ask you
12 to look at the contents of this and say -- and tell me if you
13 are familiar with it, sir, if you've ever seen anything like
14 this before, the content --

15 A Yes.

16 Q -- that Amazon sent you as an employee about how -- about
17 the mailbox, right?

18 A We on Union 1?

19 Q Yeah, we're on -- no, we're on. Sorry. We're on Employer
20 Exhibit 1. Just want to make sure we're on the same --

21 A Right. Okay. Yeah.

22 Q Okay. And the first message reads on the top of the
23 Exhibit, "A word from BHM1 leadership. You may have noticed a
24 tent outside the BHM1 entrance. The U.S. Postal Service had
25 installed an official secure mailbox for BHM1 which you can use

1 to mail in your ballot. Only the USPS has the key to access
2 the outgoing mail, including your ballot." And that was a
3 message that you got, right?

4 A Yes.

5 Q Okay. And then the message under that that starts out, "A
6 word from BHM1 leadership. We want everyone to vote in this
7 election," and it goes on. That's also a message that you got,
8 right?

9 A Right.

10 Q And then the message under that although it is -- well, I
11 won't ask you about the message of that. I'm just asking about
12 these two.

13 MR. JOHNSON: So I'd like to enter that as Employer
14 Exhibit 1.

15 HEARING OFFICER MEYERS: Any objection to Employer's
16 Exhibit 1?

17 MR. ROUCO: No objection.

18 HEARING OFFICER MEYERS: Thank you.

19 And Mr. Court Reporter, could you please mark this as
20 Employer's Exhibit 1? It has been saved that way, but if we
21 could get it marked.

22 MR. JOHNSON: Right. And apologize. We thought actually
23 saving it as Exhibit 1 is adequate, but --

24 HEARING OFFICER MEYERS: Yeah. It needs -- we prefer that
25 to see it on the face so that when you're talking about it,

1 because I mean, granted we're all online, but it would be
2 easier, please.

3 MR. JOHNSON: Okay. We understand. Thank you, Madam
4 Hearing Officer.

5 HEARING OFFICER MEYERS: Exhibit 1 is admitted if I didn't
6 say that.

7 **(Employer Exhibit Number 1 Received into Evidence)**

8 MR. JOHNSON: Okay. Thank you.

9 Q BY MR. JOHNSON: And let me turn -- have you turn, Mr.
10 Richardson, to Employer Exhibit Number 3. So that's going to
11 be two down, and it's a document that on the top reads TEA2.2L.
12 Do you see that?

13 A Exhibit 3?

14 Q Yes, sir. It's Employer Exhibit 3. So it's not -- it's
15 not in the Union, at all. So it's going to be the one of the
16 ones that we sent you electronically, sir.

17 A Okay. Okay. Okay, I'm ready.

18 Q Okay. You're ready to talk about that?

19 A Yeah. I can't look at it right now, but yeah, I'm ready.

20 Q Okay. Well, why -- why don't you take a look at it, so we
21 just make sure you're talking about the same document I am for
22 just five seconds. Can you do that and then just come back
23 really quick, and I'll ask you about it?

24 A Yes. I got to log back out. Okay.

25 Q All right. Are we ready to discuss it, sir?

1 A Yeah, you -- we can discuss it.

2 MR. ROUCO: Darryl, take -- this is Richard. I want to
3 make sure that you're on the same -- I think Harry and I both
4 agree. You need to look at the document that he's going to ask
5 you questions about and make sure you've read it, okay?

6 THE WITNESS: Okay. Okay. Okay.

7 Q BY MR. JOHNSON: Just tell me when you're ready, sir.
8 Whenever you're ready.

9 A Okay.

10 MR. ROUCO: Your -- your question is going to concern
11 Employer 3. What's marked as Employer 3?

12 MR. JOHNSON: Yes, sir. And it's entitled TEA2.20.

13 MR. ROUCO: Do you see that, Darryl? It's at the top. It
14 says TEA2.20.

15 THE WITNESS: Yes, I see it.

16 MR. ROUCO: Okay. I mean, have you reviewed it?

17 THE WITNESS: Yes, I'm -- I'm -- yeah, I'm ready.

18 Q BY MR. JOHNSON: Okay. All right. So what I'm going to
19 ask you about is not this -- you know, the whole document, but
20 just what is in the square in the middle that says, "Text
21 message."

22 A Yes.

23 Q Do you see that? Okay. And it starts out, "A word from
24 BHM Leadership," and it says, "Don't get tricked," and then it
25 continues. Do you see that text, sir?

1 A Yes.

2 Q Okay. Now, this was a text that you got on or about
3 February the 20th, right?

4 A Yes.

5 Q Okay. And there in the middle, there's this -- of that
6 block of text, there is a sentence there reads, "If your
7 mailbox is not secure, we suggest placing your completed ballot
8 in a secure U.S. Postal Service mailbox." Do you see that?

9 A Yes.

10 Q And that was part of the text that Amazon sent you and
11 other employees about how to mail in a ballot, right?

12 A Yes.

13 Q And it didn't say to employees that you have to use
14 your -- the BHM1 parking lot mailbox, right?

15 A Right. It don't say that.

16 Q Okay. And if you go back to Employer Exhibit 1, just for
17 a second. That's the document we talked about before, that is
18 a format right off of a phone. Can you take a look at that for
19 a second?

20 A Yes.

21 Q Okay. And so in the middle of that document there is a
22 sentence in the middle of the Friday, February 12th text that
23 says, "You can find your closest post office or secure mailbox
24 by visiting" -- and it's got this web link,
25 <https://toolsusps.com/findlocation.htm>. Do you see that? That

1 little piece is in blue, right?

2 A Right.

3 Q And that was one of the messages that Amazon would send
4 out to employees, right?

5 A Right.

6 Q And it gave them a tool to use to find their closest post
7 office or a secure mailbox, right?

8 A Right.

9 Q Did you ever click through on that when you got this?

10 A No.

11 Q Okay. So you don't know what's on that, right?

12 A No.

13 Q Okay. Is that -- think I -- I heard you say no; is that
14 correct?

15 A Correct.

16 Q Okay. So I wanted to ask you about that web link, because
17 you've never been there, correct?

18 A Correct.

19 Q Okay. All right. So let me ask you a little bit more
20 about the BHM1 parking lot mailbox. Now, did you ever go
21 and -- and look at the mailbox or look under the tents during
22 the election period after people had received the ballots?

23 A Yeah. Yeah, I went inside it.

24 Q Okay, good. And so you -- you were free to do that,
25 right?

1 A Right.

2 Q Okay. And when you went inside, you didn't see that there
3 was like a voting booth with a cardboard box with a slot on top
4 of it with two observers and a National Labor Relations Board
5 agent. They -- they weren't inside there, right?

6 A Of course not.

7 Q Right. I mean, it was just -- it was just that cluster
8 box unit was inside there, right?

9 A Right.

10 Q Okay. And there wasn't a sign that said, NLRB official
11 voting area there, right?

12 A There was a sign there?

13 Q No, no. I'm saying there was not a sign there, correct?

14 A Um-hum.

15 Q That said NLRB official voting area?

16 A No.

17 Q And in fact, the only thing inside that tent was the --
18 was the mailbox itself, right?

19 A Right.

20 Q Now, did you have any idea who actually installed the
21 mailbox? Did you see it being installed?

22 A No.

23 Q Okay. So you have no idea who actually installed it,
24 right?

25 A No.

1 Q Okay. And do you have any idea who actually owns that
2 mailbox?

3 A Who actually what?

4 Q Who owns it?

5 A No.

6 MR. JOHNSON: All right. I think, sir, you might be off
7 video.

8 HEARING OFFICER MEYERS: I think he's -- I think it's
9 because he's looking at the --

10 THE WITNESS: I'm looking at the document.

11 MR. JOHNSON: Oh, okay.

12 HEARING OFFICER MEYERS: At the document. He's on his
13 phone.

14 MR. JOHNSON: I understand. You can only do one thing at
15 once. So I just wanted to make sure you were still connected.

16 THE WITNESS: Yes, sir.

17 Q BY MR. JOHNSON: Okay. Okay, great. Sorry, now I've lost
18 my place on here. Okay. So -- and -- and when you look at the
19 mailbox, right, there was no sticker on it that said property
20 of Amazon anywhere on it, right?

21 A No, sir.

22 Q And there was no Amazon logo on it, right?

23 A Right.

24 Q And stuck to the mailbox there wasn't any statement that
25 said anything like vote for Amazon, right?

1 A Right.

2 Q And no supervisor or manager from Amazon told you that we
3 control this mailbox, right?

4 A No.

5 Q Now, when you were looking at the text messages, in fact,
6 Amazon said to you that the U.S. Postal Service has -- has
7 installed the mailbox, right?

8 A Yes.

9 Q Okay. And in fact, that Employer Exhibit 1 says that,
10 right?

11 A Yes.

12 Q And if you look at Employer Exhibit 1 in the first text,
13 the last sentence says, "Only the USPS has the key to access
14 outgoing mail, including your ballot." Do you see that text,
15 sir?

16 A Yes, sir.

17 Q So Amazon was telling employees only the post office had
18 access to the outgoing mail, right?

19 A If that what they say.

20 Q Right. But they said that to employees, that's what I'm
21 trying to -- to understand here. I mean, that was in the text,
22 right?

23 A Right.

24 Q And this text went to you, right?

25 A Right.

1 Q And you -- as far as you know the text went to everybody
2 else who was a BHM1 voter, right?

3 A Right.

4 Q And did you ever see the postal service truck coming to
5 pick up the mail at any time during the voting period?

6 A No.

7 Q So when you walked inside the tent, did you ever have an
8 opportunity to view the mailbox up close?

9 A Yes.

10 Q Okay. And so let me take you to Employer Exhibit 5.

11 MR. JOHNSON: No, actually, let me ask a question. Did I
12 get three -- have I moved to admit 3 yet?

13 HEARING OFFICER MEYERS: Not yet. Not yet.

14 MR. JOHNSON: Move to admit 3.

15 HEARING OFFICER MEYERS: Any objection to the admission of
16 Employer's Exhibit 3, the 2/20 text?

17 MR. ROUCO: No objection.

18 **(Employer Exhibit Number 3 Received into Evidence)**

19 Q BY MR. JOHNSON: All right. Can you turn to Exhibit --
20 Employer Exhibit 5, Mr. Richardson, which is a photo of the
21 mailbox. It doesn't have the tent in it.

22 A Okay.

23 Q Okay. Now, other than the yellow sticker which reads,
24 "Important notice" on there, is this the mailbox that you saw
25 when you walked inside the tent to look at the mailbox?

1 A It's -- it's still -- it's still downloading.

2 Q Right, sir. But I'm -- I'm not asking you, you know, who
3 took the photo or anything, but yeah, but I'm asking you other
4 than the yellow sticker. So regardless of whether the yellow
5 sticker was on there or not, this -- this is the same mailbox
6 that you saw when you were under the tent, right?

7 A Right.

8 Q Okay. And it looked the same as in this photograph,
9 right?

10 A Yes. It's -- mine is still downloading, but yes.

11 HEARING OFFICER MEYERS: We haven't seen it yet, Harry.
12 Can you -- can you wait until it gets --

13 MR. JOHNSON: Oh, I'm sorry, sir. I didn't understand
14 that at all. Why don't you take a look at the picture, and
15 please don't answer any question until you -- you've had a
16 chance to review the exhibit, because that will help make the
17 record clear, okay? And just tell me when you've reviewed it
18 and you're ready to talk, please. Are you ready to talk about
19 it, sir?

20 HEARING OFFICER MEYERS: I think we may have lost him.
21 Scroll down here. I am not seeing him.

22 BAILIFF: He appears to have fallen off the call.

23 HEARING OFFICER MEYERS: Can we please send a quick email
24 to him reminding him to call back in?

25 MR. ROUCO: Yeah, I -- I will try to reach him. I mean,

1 I'm sure he's trying to get in. He probably just dropped off
2 trying to toggle back and forth or trying to --

3 HEARING OFFICER MEYERS: I understand. It's going to be
4 very difficult to do this by phone, which I think is what we
5 discussed in our pre-hearing meeting.

6 MR. ROUCO: I understand, but I will -- I will try to
7 reach him now.

8 MR. JOHNSON: Do you want to go off the record while we
9 wait?

10 HEARING OFFICER MEYERS: While we wait. Yeah, let's go
11 off the record.

12 (Off the record at 1:34 p.m.)

13 HEARING OFFICER MEYERS: All right. Sorry about that
14 technological problem.

15 You are still under oath and Mr. Johnson is still asking
16 you questions.

17 MR. JOHNSON: Okay.

18 Q BY MR. JOHNSON: Thank you, Mr. Richardson. Sorry, (audio
19 interference) these hearings turn out that way. I'm glad
20 you're back with us. Did you have a chance to review Employer
21 Exhibit 5, which is a picture of the mailbox?

22 A Yes.

23 Q Great. And so this is the -- in fact, the mailbox that
24 was under the tent that was the BHMI parking lot mailbox,
25 right?

1 A Right.

2 Q Okay. And it looked to you when you went to inspect it,
3 aside from the yellow sticker, it -- it looked just like this,
4 right?

5 A Right.

6 Q Okay. And so it had a mail slot that was on the left-hand
7 side, right?

8 A Yes. Yes.

9 Q Okay. And above that mail slot like it shows you in the
10 picture, there is a little label that said outgoing mail,
11 right?

12 A Right.

13 Q And basically the -- under that slot there were two doors.
14 One where the -- you know, a sticker is on my picture and one
15 that's marked 1-P, right? Can you hear me, sir?

16 A Yes, I hear you.

17 Q Okay. So my question was, if you look under the mail
18 slot, there are what looks like two doors or two compartments.
19 One has 1-P on it, and one that the number 1 and the letter P.
20 And another one has this yellow sticker on it which reads
21 "Important notice." So those two doors were there when you saw
22 the mailbox, right?

23 A Those two doors. I ain't look at it like that, but it
24 is -- it look like -- it look like a -- it look like a
25 different mailbox.

1 Q Well, let me go -- let me go back and -- and just ask you
2 then. This -- to confirm, I mean, this is the mailbox, right?
3 Other than the yellow sticker, this is the mailbox that was
4 under the tent, right?

5 A Okay. Yeah. Look like the mailbox. Right.

6 Q Okay, great. And so then let me ask you about the --
7 well, instead me of calling the doors, I'll just say there is a
8 square compartment and a rectangular compartment under that
9 outgoing mail slot; do you see those?

10 A Yes.

11 Q Okay. And those both had locks on them, right?

12 A Right.

13 Q And you never saw anybody from Amazon getting into those
14 locks, right?

15 A No. Hello?

16 Q Yes. Yes, sir, I heard you. And so -- and nobody -- I
17 mean, you're not aware of any fact as we sit here today, that
18 Amazon could actually get inside the -- there's two
19 compartments to access the outgoing mail, correct?

20 A Correct.

21 Q All right. Let me ask you a few questions related to
22 balloting. So no Amazon manager or supervisor ever questioned
23 you regarding how you planned to vote, right?

24 A No.

25 Q Okay. And so you -- that -- they left that up to you,

1 right?

2 A Right.

3 Q And when you're looking at this mailbox, you know, inside
4 the -- inside the tent, this is the way it looked, correct?

5 A Okay.

6 Q Employer Exhibit 5?

7 A Yes.

8 MR. JOHNSON: Okay. And with that, I'd like to admit,
9 Employer Exhibit 5.

10 HEARING OFFICER MEYERS: Any objection to the admission of
11 Employer's Exhibit 5?

12 MR. ROUCO: No objection.

13 HEARING OFFICER MEYERS: I'm sorry. Employer's Exhibit 5
14 is admitted.

15 **(Employer Exhibit Number 5 Received into Evidence)**

16 MR. JOHNSON: All right, great.

17 Q BY MR. JOHNSON: And did you get any instruction from the
18 Union or advice on how to mail your ballot?

19 A Did I get any instruction how to mail my ballot?

20 Q Yeah. Did they give you any advice or tips on how to mail
21 your ballot?

22 A Yes.

23 Q Okay. And I imagine that advice or tips were not used in
24 the mailbox in the BHM1 parking lot, right?

25 A Do not use the box in -- do not use the box at -- at the

1 Amazon mailbox?

2 Q Right.

3 A Right.

4 Q Okay. So did -- they didn't -- they told you and other
5 employees don't use this mailbox that's in Employer Exhibit 5,
6 right?

7 MR. DAVIES: Objection. He can ask about Mr. Richardson
8 but assumes facts not in evidence.

9 HEARING OFFICER MEYERS: Can you rephrase, Mr. Johnson?

10 MR. JOHNSON: Sure. Well, let me just talk about you, Mr.
11 Richardson. I think Mr. Davies has a good point there.

12 Q BY MR. JOHNSON: So did the Union tell you don't use this
13 mailbox to the -- the mailbox that you stated in Employer
14 Exhibit 5?

15 A No. It wasn't permitted to use the mailbox at all.
16 Rather for me to use our own mailbox.

17 Q Okay. So just so I heard you correctly because you broke
18 up a little bit on my end. Is it correct to say they preferred
19 for you to use your own mailbox instead of the mailbox in the
20 parking lot that is Employer Exhibit 5; am I right?

21 A Right.

22 Q Okay. Did you hear from any other employees, their
23 opinion on where they thought you should vote, like what
24 mailbox to use?

25 A At -- at -- at they -- at they home or the postal service

1 mailbox.

2 Q Okay. Now, do you have any -- well, you testified
3 something about cameras. Do you remember that testimony?

4 A Yeah, cameras.

5 Q Right. And isn't it true that the cam -- the only cameras
6 that can see the outside area are the ones that are on that
7 outside walls of BHM1?

8 A Well, I don't -- I don't know which camera is working, but
9 I know cameras out on that lot.

10 Q Okay. So your testimony is you know there are cameras in
11 the parking lot that are separate from the ones on the
12 building?

13 A You got cameras -- you got cameras on the building.

14 Q Yes, sir. I think we -- we would agree on that, but my
15 question to you is besides the cameras that are actually on the
16 wall of the building, there aren't any other cameras that can
17 see what's going on in the parking lot, right?

18 A Camera -- cameras everywhere on the lot.

19 Q Okay. So your testimony is that you know for a fact that
20 there are cameras that are in the parking lot itself?

21 A I'm just saying I was -- I -- I was told by a -- a --
22 process assistant, cameras is everywhere on the lot, and you
23 can't (audio interference) --

24 Q I'm sorry, I didn't mean to interrupt you. But they told
25 you that, but you had a chance to be in the parking lot, right?

1 You worked there for months, correct?

2 A Right.

3 Q Okay. Did you look up at any of the light poles or
4 anything like that and actually see any cameras there?

5 A Yeah, I think it's some cameras on the pole.

6 Q Okay. Have you actually seen a camera on one of the
7 parking lot lamppost or other poles that are in the parking
8 lot? And I'm not talking about cameras on the side of the
9 building.

10 A I believe cameras on the pole. I'm -- I'm -- I believe
11 cameras on the pole.

12 Q Okay. But what did you see that caused you to have that
13 belief?

14 A A tinted ball.

15 Q Okay. Sir, did you say a tennis ball?

16 A I said a tinted -- a tinted ball.

17 Q Oh. Well, can you explain what that is, because maybe I'm
18 hearing you wrong, but I don't understand.

19 A A tinted -- a tinted -- a tinted ball is like a camera
20 inside of a little -- a little tinted -- a little tinted glass.

21 Q Oh, I see. So you -- so you saw some tinted glass balls
22 on the parking -- in the parking lot with -- which you thought
23 were cameras, do I have that right?

24 A Right.

25 Q Okay. And so where were these tinted balls?

1 A On the -- on the poles, as I recall.

2 Q What -- are you talking about light poles or some other
3 kind of pole?

4 A Just -- just -- just the poles on -- on -- on -- on the
5 lot.

6 Q Okay, but you've never seen inside what might be in those
7 balls to know whether they're cameras or not, correct?

8 A Correct.

9 Q You've just seen the tinted balls, right?

10 A Right.

11 Q Okay. Do you know whether anybody -- any Amazon employee
12 ever used the mail slot in a mailbox to mail a personal item,
13 like their electric bill?

14 A Oh, no, no.

15 Q Okay. Now, the -- did you -- you saw the mailbox, I
16 think, when the tent was over it, right?

17 A Right.

18 Q Okay, and so let me take you to Union Exhibit 9. That's
19 in the -- in the paper exhibits that you had earlier this
20 morning, sir. Tell me when you have -- have reviewed it.

21 A Yes.

22 Q Okay. So that -- that's what the tent looked like for the
23 entire duration of the election, right? I mean, that's what
24 the material looked like that the tent was made out of, right?

25 A Right.

1 Q Okay. And you can't see through that tent, right?

2 A Right.

3 Q And so if you were inside the -- let's say you're walking
4 out of the door of the building and you're looking at the tent,
5 as I'm sure you did many times, you couldn't see what was going
6 on in the tent, right?

7 A Right.

8 Q And there were -- there were no tinted balls inside the
9 tent, right?

10 A No.

11 Q Okay. And in fact, you know, to the best of your
12 knowledge, there weren't any tinted balls that could see inside
13 that tent, right, if they were cameras?

14 A Yeah, as I recall, no.

15 Q Okay. So there were -- weren't any tinted balls that
16 could see inside the tent, right?

17 A Right.

18 Q And when the tent was up and employees like yourself were
19 walking by, it looked just like it did in Union 9, there wasn't
20 a get -- what I mean is there wasn't like a gate in front of
21 it, right?

22 A No.

23 Q Okay, so you could just walk in there, right?

24 A Right.

25 Q And there wasn't a off-duty police officer standing next

1 to the -- standing next to the tent, right?

2 A Right.

3 Q And they didn't have -- Amazon didn't have managers or
4 supervisors stationed next to the tent, right?

5 A Right.

6 MR. JOHNSON: Have you ever been -- actually, I want to
7 withdraw that picture.

8 Q BY MR. JOHNSON: Okay. So let me take you to Employer
9 Exhibit 7, and that's the -- that's actually the Union
10 newspaper, and I know this file's a little bit big, but my
11 understanding is you've seen it, right? Or my understanding is
12 you've seen the file. I'll ask you about the -- I'll ask you
13 about it in a moment.

14 MR. DAVIES: Harry?

15 MR. JOHNSON: Yes.

16 MR. DAVIES: This is George Davies. Hey, I'm -- we tried
17 to email that to Mr. Richardson. We're not sure that he's been
18 able to receive it. I -- I think it was -- I think Kami tried
19 to send it to him with the other exhibits and it was too big,
20 and then I tried to email it to him separately --

21 HEARING OFFICER MEYERS: I think he said he'd --

22 MR. DAVIES: -- and it bounced back --

23 HEARING OFFICER MEYERS: -- gotten it.

24 MR. DAVIES: -- so I'm not sure he has it.

25 THE WITNESS: Let me see.

1 HEARING OFFICER MEYERS: Mr. Richardson, did you receive a
2 copy of the newspaper that is --

3 THE WITNESS: I'm -- I'm --

4 HEARING OFFICER MEYERS: -- dated February 2021, the
5 Amazon Union newspaper?

6 THE WITNESS: I'm -- I'm -- I'm checking it now.

7 MR. ROUCO: Kerstin, you're -- you're -- you're not from
8 Alabama, but that's really a BAmazon.

9 HEARING OFFICER MEYERS: Ah. Go Dogs.

10 MR. ROUCO: I hear a -- I hear a Georgia fan.

11 HEARING OFFICER MEYERS: He get it now.

12 THE WITNESS: No, I haven't got it.

13 HEARING OFFICER MEYERS: Okay. So Harry, I don't know how
14 we can get it to him because I don't think it can -- I'm
15 surprised it's that big. It's PDF.

16 MR. JOHNSON: Okay. Well, maybe if I put it up on my
17 screen --

18 HEARING OFFICER MEYERS: Yeah --

19 MR. JOHNSON: -- and so we --

20 HEARING OFFICER MEYERS: -- let's do it that way.

21 MR. JOHNSON: Okay, so I'm going to try and do that, if
22 it's okay with the bailiff and the court reporter, and I don't
23 completely blow this up with us.

24 HEARING OFFICER MEYERS: Or we can ask the Bailiff to do
25 it if that would be easier. I believe she knows what --

1 MR. JOHNSON: Oh --

2 HEARING OFFICER MEYERS: -- to do.

3 MR. JOHNSON: -- that would be great, actually.

4 HEARING OFFICER MEYERS: Kami, can you do that for us,
5 please?

6 MS. KIMBER: I'm working on it right now. Remind me what
7 is the -- the number?

8 HEARING OFFICER MEYERS: Employer's Exh -- Employer's
9 Exhibit 7, BAmazon.

10 MR. JOHNSON: As Mr. Rouco pointed out, it is Bam -- the
11 BAmazon Union newspaper, as in that Bama Alabama.

12 HEARING OFFICER MEYERS: Roll Tide.

13 MR. ROUCO: Yeah, that's the -- that's more precise.

14 MS. KIMBER: We're getting close. Give me just a second
15 here. All right, can you see that?

16 THE WITNESS: Yes, ma'am.

17 MS. KIMBER: There's multiple pages, so let me know when
18 you're ready to scan down.

19 MR. JOHNSON: Okay, that's great. Well, when we -- well,
20 let's just start with page 1.

21 Q BY MR. JOHNSON: So had -- did you ever receive this
22 BAmazon Union newspaper, Mr. Richardson?

23 A No.

24 MR. JOHNSON: Okay. So I won't ask you to famil -- you
25 know, to try and enter the document through using you as a

1 witness, but can we scroll down to the last page? All right,
2 that's it.

3 MS. KIMBER: Right here?

4 MR. JOHNSON: Okay. Thank you, and that's great. Great,
5 great.

6 Q BY MR. JOHNSON: So -- so as I understand it, you never
7 received this newspaper yourself, right?

8 A Yes, I have.

9 Q Oh, okay, so you have received it. Okay, great. So what
10 you've just seen is a part of the Union's campaign message to
11 employees, right?

12 A That's right.

13 Q Okay. And at the very bottom of page 4, there are a list
14 of checkmarks under a heading that says, "The RWDSU
15 guarantees", right? You see --

16 A Yes.

17 Q -- that?

18 A Yes.

19 Q Okay, and those are actually campaign messages that the
20 RWDSU and BAmazon Union got out to the employees during the
21 campaign, right?

22 A Yes, yes.

23 Q Okay. And that little logo in the bottom right-hand is
24 actually the RWDSU logo, right?

25 A Right.

1 Q Okay. And there's at the -- at the bottom -- the very
2 bottom, there's the BAmazon Union website, right?

3 A Right.

4 Q And that's the -- next to it to the left is the BAmazon
5 Union Twitter handle, right?

6 A Right.

7 MR. JOHNSON: Okay. So if you scroll up -- well,
8 actually, sorry. Just leave it there, Bailiff.

9 Q BY MR. JOHNSON: So one of the guarantees is you all have
10 a voice in your future, right?

11 A Right.

12 Q And that voice was going to be the Union, right? That was
13 the Union's guarantee that you understood?

14 A Right.

15 MR. JOHNSON: Okay. And so if you scroll up to the top of
16 this page, Madam Bailiff, that would be great.

17 Q BY MR. JOHNSON: Okay, and do you see on the side bar on
18 the right something that says -- it's -- it's a fly -- it's a
19 rectangle of text and it starts with "from RWDSU Mid-South
20 Council President Randy Hadley."

21 A Yes.

22 Q Yeah. And -- and Mr. Hadley really is the mid-south
23 council president, right?

24 A Right.

25 Q Okay. And the very first sentence of that says, "On

1 November 20th, 2020, your voice was heard", right?

2 A Right.

3 Q And you understood that to be the petition was filed on
4 that day, right?

5 A Right.

6 Q And that was the voice of the employees, right, the
7 petition?

8 A Right.

9 Q And on March 29th, 2021, it says, "Your voice will be
10 heard again at Amazon in Bessemer, Alabama", right?

11 A Right.

12 Q And that was the vote of the employees, right?

13 A Right.

14 Q So the voice of the employees was them voting, correct?

15 A Yes.

16 Q And so if the employees were speaking for themselves, they
17 could be voting for the Union, too, right?

18 A If they were speaking for theirselves?

19 Q Right, they could be voting for the Union speaking for
20 themselves, right?

21 A Right.

22 Q And in fact, the Union could be their voice, right?

23 A Right.

24 Q Okay, we can get -- one last thing, though, taking a look
25 at Employer Exhibit 7, you know, this is a accurate copy of the

1 BAmazon Union newspaper, volume 1, number 1, right?

2 A Right.

3 MR. JOHNSON: Okay. I -- with that, I'd like to move
4 Employer Exhibit 7 into evidence.

5 HEARING OFFICER MEYERS: Any objection from the Union?

6 MR. DAVIES: No objection.

7 HEARING OFFICER MEYERS: Okay, Exhibit 7 is admitted into
8 evidence.

9 **(Employer Exhibit Number 7 Received into Evidence)**

10 MR. JOHNSON: Okay, and I think we can take it down, Madam
11 Bailiff. Thank you very much. And let me take you to Employer
12 Exhibit 8, if we could, which is just a tweet.

13 HEARING OFFICER MEYERS: Mr. Richardson, have you looked
14 at that?

15 MR. JOHNSON: It -- it's the very last one in the
16 exhibits.

17 THE WITNESS: Okay.

18 MR. JOHNSON: Just tell me when you've had a chance to
19 review it, sir.

20 HEARING OFFICER MEYERS: What exhibit is it again? No --

21 THE WITNESS: Yes, ma'am. I'm --

22 HEARING OFFICER MEYERS: You read it?

23 THE WITNESS: From the -- for the voice on the job?

24 MR. JOHNSON: I'm sorry. It's going to be the Employer
25 Exhibit --

1 THE WITNESS: 8.

2 MR. JOHNSON: -- 8.

3 THE WITNESS: Yes.

4 MR. JOHNSON: Yeah, it's a --

5 HEARING OFFICER MEYERS: The tweet?

6 MR. JOHNSON: And says an --

7 THE WITNESS: Okay.

8 MR. JOHNSON: -- act -- okay, great.

9 Q BY MR. JOHNSON: So you -- you've had a chance to review
10 that, right, sir?

11 A Yes.

12 Q Okay. Now, did you see the RWDSU's tweet at any point
13 during the election campaign?

14 A No, I ain't seen that -- I ain't see that tweet.

15 Q Okay, you've never seen this particular tweet, right?

16 A I -- I don't -- no, sir.

17 Q Okay.

18 A (Indiscernible, simultaneous speech) --

19 Q That -- that's perfectly fine. I won't ask you about it,
20 but about -- I won't ask that the exhibit be entered in through
21 you, but where it says, "for a voice on the job", that was one
22 of BAmazon and the RWDSU's campaign pitches to employees,
23 right?

24 A Right --

25 Q Okay.

- 1 A -- for --
- 2 A I'm sorry, did -- I didn't mean to cut you off.
- 3 A Yeah, for the voice on the job.
- 4 Q Okay. Yes, sir, and then if you see in the text of the
- 5 tweet, it says "an actual voice in how our workplace runs".
- 6 That was one of the RWDSU and BAmazon Union's campaign pitches,
- 7 too, correct?
- 8 A A actual voice in our workplace runs?
- 9 Q Yes, sir, it's in the text above the --
- 10 A Right. Right, right. Right.
- 11 Q Okay, and that was one of the BAmazon and RWDSU campaign
- 12 points, right?
- 13 A Like I said, I don't -- I don't remember this tweet. That
- 14 tweet --
- 15 Q Okay.
- 16 A -- was my -- workplace run.
- 17 Q I understand, sir. I'm not asking you is this a real
- 18 RWDSU tweet because you've never seen it before. All I'm just
- 19 asking you is about those words: "an actual voice in how our
- 20 workplace runs". It -- was that one of the pitches that the
- 21 BAmazon Union and RWDSU made to the employee voters?
- 22 A Oh.
- 23 Q Had you ever heard that before?
- 24 A No.
- 25 Q Okay, so you're not familiar with that one; is that

1 correct?

2 A Yeah, I'm not familiar with this right here.

3 Q Okay. But for a voice on the job, that was one of their
4 pitches, right?

5 A I don't -- like I said, I don't -- I don't -- I don't
6 remember that was on.

7 Q Okay, well, I don't -- look, I -- just want us all to be
8 clear here. So is it your testimony that you have no
9 recollection of either of those being points made to you?

10 A No, I don't -- no.

11 MR. JOHNSON: Okay, so it's fair to say you have no recall
12 of all the -- of all the different campaign pitches that the
13 Union or -- scratch that.

14 Q BY MR. JOHNSON: You have no recollection of the entire
15 universe of all the campaign pitches that the RWDSU and BAmazon
16 Union may have made to employees; am I right there?

17 A Well, I don't -- I don't -- I don't recall this right
18 here.

19 Q Okay, that's fine. I'm just saying do you know -- do
20 you -- do you have in your mind as we sit here today that you
21 would know every single pitch that they made?

22 A Wow. So I -- I can't -- I can't sit -- I just don't
23 remember this one right here. I don't know this one right
24 here.

25 Q Okay, so just don't remember this one; is that correct?

1 A Correct.

2 Q Okay. Fair enough. Let's go back to the security
3 cameras. So let me talk to you about the security cameras that
4 are attached to the BHM1 building, right?

5 A Right.

6 Q I'm -- I'm not talking about the ones -- the -- the tinted
7 balls in -- in the parking lot, any of that. We're just
8 talking about the ones that are actually attached to the BHM1
9 building; do you understand me, sir?

10 A Okay, yes, I understand.

11 Q Okay, have you ever measured the distance from that --
12 those cameras to where the mailbox and the tent were in the
13 parking lot?

14 A No.

15 Q Okay. And the cameras that are attached to the front of
16 the BHM1 building, they've been part of the building since it
17 opened, right?

18 A Right.

19 Q Okay. And during that time, people just reported to work
20 as normal, right?

21 A Right.

22 Q And you reported to work during that time, right?

23 A Right.

24 Q And there weren't any new cameras that got installed after
25 the Union organizing weekend, right?

1 A I don't -- I don't think so.

2 Q Okay. And as you've testified, there's no security
3 cameras that you know of, whether tinted balls or on the
4 outside of the building or wherever, that would have a view
5 right inside the tent; am I right?

6 A Right.

7 MR. JOHNSON: If I can take one second to confer, I may be
8 done. Is that all right?

9 HEARING OFFICER MEYERS: Okay. Yep, we'll go off the
10 record briefly.

11 (Off the record at 2:06 p.m.)

12 HEARING OFFICER MEYERS: Any further questions?

13 MR. JOHNSON: We don't have any further questions on cross
14 at this time.

15 HEARING OFFICER MEYERS: Okay. Any redirect from you, Mr.
16 Rouco?

17 MR. ROUCO: Can I -- can I take a second and you give me a
18 minute. I'll -- I need to look back over since his --

19 HEARING OFFICER MEYERS: All right.

20 MR. ROUCO: -- cross was fairly lengthy.

21 HEARING OFFICER MEYERS: All right. You think a minute's
22 enough?

23 MR. ROUCO: It -- I think -- well, five minute -- well,
24 I -- I'm trying to do this as quickly as possible. I think a
25 minute or two will be enough.

1 HEARING OFFICER MEYERS: Okay, then we will go off the
2 record. We'll all sit here waiting for you, looking at you.
3 (Off the record at 2:07 p.m.)

4 HEARING OFFICER MEYERS: Mr. Rouco, is there any redirect?

5 MR. ROUCO: No, there's no redirect.

6 HEARING OFFICER MEYERS: Okay. Excellent.

7 MR. ROUCO: I want to thank Mr. Richardson for -- for
8 spending --

9 HEARING OFFICER MEYERS: Yes, the better part of your day
10 on the phone with us. We do appreciate it. Thank you, sir.
11 Again, I caution you that you are still subject to the rule of
12 sequestration. You may be recalled. You -- you're released
13 subject to recall, but I am cautioning you not to discuss your
14 testimony with anyone who may be a potential witness in this
15 matter.

16 THE WITNESS: Okay.

17 HEARING OFFICER MEYERS: Thank you, sir. I appreciate
18 your time.

19 THE WITNESS: Thank you very much.

20 HEARING OFFICER MEYERS: All right --

21 THE WITNESS: Bye.

22 HEARING OFFICER MEYERS: -- so it is 2:08 my time, 1:08
23 your time. Do you want to take till 1:30 and then call your
24 next witness?

25 MR. ROUCO: That works.

1 HEARING OFFICER MEYERS: Excellent. Do you anticipate
2 that the next witness will be as long?

3 MR. ROUCO: Well, I mean, cross is longer than direct. I
4 don't know. I mean, but I -- I think it will be -- we'll --
5 we'll plow some of the same territory --

6 HEARING OFFICER MEYERS: Okay.

7 MR. ROUCO: -- as -- is -- we're sort of trying to build
8 corroboration for the things that -- that you've heard already,
9 so --

10 HEARING OFFICER MEYERS: Okay.

11 MR. ROUCO: -- a -- she could take an hour in direct, 45
12 minutes. I -- I think Mr. Richardson was about 45 minutes to
13 50 minutes upon direct, if I recall.

14 HEARING OFFICER MEYERS: Okay. All right, great. I
15 will -- we're going to go off the record. We will reconvene at
16 2:30.

17 (Off the record at 2:10 p.m.)

18 MR. DAVIES: Just one -- one housekeeping item. We
19 uploaded Union Exhibit 18 just a -- a few minutes ago for this
20 witness, but I also created a Union exhibits folder, and I
21 tried to drag and drop our exhibits into that folder that are
22 on SharePoint, but access was denied. I don't know if the
23 bailiff can do that just so they're collected in one place like
24 the joint exhibits and the Employer exhibits are.

25 HEARING OFFICER MEYERS: Can you email them to the

1 bailiff?

2 MR. DAVIES: Of course. Sure. I just did --

3 HEARING OFFICER MEYERS: Okay, let's --

4 MR. DAVIES: I just tried to -- like I said, I tried to
5 drag and drop it, and it -- it wouldn't let me pull it into the
6 folder.

7 HEARING OFFICER MEYERS: I think you need to follow the
8 instructions that I sent you.

9 MR. DAVIES: Yes, as access was denied, so --

10 HEARING OFFICER MEYERS: Did you --

11 MS. KIMBER: I --

12 HEARING OFFICER MEYERS: Did you follow the procedures to
13 get --

14 MR. DAVIES: Yeah, the -- the -- the exhibits are -- are
15 on SharePoint. I just can't put them in the folder that I
16 created.

17 HEARING OFFICER MEYERS: Oh, you can't put them in the
18 folder. Oh. Don't --

19 MR. DAVIES: Yeah.

20 HEARING OFFICER MEYERS: -- worry about the folders. I
21 mean, if you can get them in, you can. If not, we'll -- we'll
22 separate them out. The folders were where I had originally
23 intended to give access only to the parties until release. It
24 didn't work out like that --

25 MR. DAVIES: Okay.

1 HEARING OFFICER MEYERS: -- so I think everybody's had
2 access to the folders now, so it's -- it's not a big deal if
3 you don't put them in the folders.

4 MR. DAVIES: All right. Well, our folder is there if
5 somehow they can be -- be put into there at some point.

6 HEARING OFFICER MEYERS: Okay. All right, do you want to
7 go ahead and call your next witness?

8 MR. ROUCO: Are we on the record?

9 HEARING OFFICER MEYERS: We have -- you're right. We
10 should go on the record. On the record.

11 MR. ROUCO: Okay. Our next witness is Jennifer Bates.

12 HEARING OFFICER MEYERS: Excellent. Thank you, Ms. Bates.
13 Could you please raise your right hand?
14 Whereupon,

15 **JENNIFER BATES**

16 having been duly sworn, was called as a witness herein and was
17 examined and testified, telephonically as follows:

18 HEARING OFFICER MEYERS: Excellent. Thank you very much.
19 Your witness, Mr. Rouco.

20 MR. ROUCO: Thank you.

21 MR. BRODERDORF: Madam -- Madam Hearing Officer, this is
22 David Broderdorf.

23 MR. BRODERDORF: I just --

24 HEARING OFFICER MEYERS: Yes, sir?

25 MR. BRODERDORF: -- I'm wondering if we can have the

1 Union, like with the first witness, discuss the scope of the
2 objections.

3 HEARING OFFICER MEYERS: Oh, I'm sorry, yes. Could you --
4 can you identify which --

5 MR. ROUCO: Yes, so she -- she will testify on objections
6 2, 3, 5, 7, 8, 9, 11, 16, and 19.

7 MR. BRODERDORF: Thank you. I'll be -- I'll be in the
8 role of objecting attorney for Ms. Bates.

9 HEARING OFFICER MEYERS: All right, thank you. Richard,
10 I'm sorry. I was trying to juggle which document was on the
11 screen. 2, 3, 9 --

12 MR. ROUCO: 2, 3, 5, 7, 8, 9, 13 (sic), 16, and 19.

13 And -- all right, are we -- are we good to go?

14 HEARING OFFICER MEYERS: We are good to go.

15 MR. ROUCO: Okay.

16 **DIRECT EXAMINATION**

17 Q BY MR. ROUCO: Good afternoon, Ms. Bates. Thank you for
18 joining us.

19 A (Audio interference).

20 Q Ms. Bates, where -- where do you live?

21 A I live in Birmingham.

22 Q And where do you work?

23 A I work at BHM1, Amazon facility in Bessemer, Alabama.

24 Q How long have you worked at BHM1?

25 A A year in 3 days.

1 Q And what job do you currently hold at Amazon?

2 A I hold the Blue Badge 1, receiving, and ambassador --
3 learning ambassador.

4 Q When you say -- what do you mean by receiving?

5 A Receiving is where the packages come in. The first stop
6 in the facility is the receiving depa -- department where the
7 trucks back up and drop the -- the merchandise off at the
8 facility.

9 Q Now, how long have you been an ambassador -- a learning
10 ambassador, I'm sorry.

11 A Approximately eight, nine months.

12 Q Okay. And what is your work schedule?

13 A My work schedule is Monday, Tuesday, Thursday, Friday, 7
14 a.m. to 5:30 p.m.

15 Q Do they call it sched -- does that schedule by a certain
16 name?

17 A Yes, it's called the donut shift.

18 Q The donut shift.

19 A Uh-huh.

20 Q That's because you don't work on Wednesdays; is that
21 right?

22 A That's correct.

23 Q Now, I think you've may -- already mentioned this, but
24 what department are you assigned to -- or what area --

25 A I'm assign --

1 Q -- are you -- I'm sorry -- what area are you assigned to?

2 A Receiving dock, which is also called decant department.

3 Q And just briefly describe what employees in decant do.

4 A The employees in decant receive the packages off the
5 trucks and open the boxes and scan them in and place them in
6 totes to send to the second, third, fourth floor on the
7 conveyor.

8 Q And who is your supervisor?

9 A Right now, Nick Patel is my supervisor.

10 Q And how long has Mr. Patel been your supervisor?

11 A I'm not sure. In February, I looked at my app -- I think
12 it was around the -- the end of January, and I noticed that he
13 was my supervisor.

14 Q Okay. Now, was there a -- a period of time that you were
15 recently out of work?

16 A That's correct.

17 Q Can you tell us when that period of time was?

18 A November, January, and February -- the month of February.

19 Q Okay. And what job did you hold before you went out on
20 leave?

21 A I was working at the receiving docks as a decanter and
22 learning ambassador.

23 Q When you came back -- when did you try to come back to
24 full time; do you remember?

25 A February 26.

1 Q And did --

2 A No, January 26.

3 Q Okay.

4 A It was January 26. Sorry.

5 Q And in January had you participated in any media coverage
6 of the Union drive, the Union --

7 A Yes.

8 Q -- organizing campaign?

9 A Could you tell the Hearing Officer what you did in January
10 in terms of media participation?

11 Q I did a -- a interview -- a couple of interviews.

12 A And then, if I understand you correctly, you tried to come
13 back at the end of January; is that right?

14 Q That's correct.

15 A Were you allowed to come back at the end of January?

16 Q No.

17 A And why not?

18 Q Because I was waiting on accommodations to approve my
19 paperwork from the doctor. The doctor had given them
20 recommendations that I could return back to work. The
21 following day after, I went to work, and I was getting messages
22 that they couldn't -- one of the messages, he said he couldn't
23 view my documents, and then he said he was waiting on the
24 facility in Bessemer to get back with him, so it was back and
25 forth.

1 A Who's the -- who's the "he" that you're referring to?

2 Q The case manager.

3 A Okay. Now, did you eventually come back to work?

4 Q Yes.

5 A And do you recall roughly when that was?

6 Q It was the last week in February.

7 A Last week in February.

8 Q Uh-huh.

9 A And tell me what did you -- what did they put you to do?

10 They started me on line 2. And after that, the PA came and got
11 me, and she took me to line 1. And they removed everyone from
12 line 1 and moved them to line 2.

13 Q Okay. And what were you doing in line 2?

14 A I was decanting --

15 Q Okay.

16 A -- on the line.

17 Q Were you working as a -- as a learning ambassador at the
18 time?

19 A No, I was working as a regular line worker.

20 Q Okay. And -- and I guess that we don't have this in the
21 record yet, but could you explain to the hearing officer what a
22 learning ambassador does?

23 A A learning ambassador trains new employees to come into
24 the facility -- new hires. We do cross-training, retraining,
25 we do audits, and evaluation on employees. And besides that,

1 we do indirect work, that's work (audio interference).

2 Q You froze.

3 A -- merchandise to the line.

4 MR. BRODERDORF: She froze.

5 Q I'm sorry --

6 A I froze?

7 Q -- you froze just a second there. You were explaining
8 indirect work. What -- what -- what is indirect work?

9 A Okay. Indirect -- indirect work is -- some of the trucks
10 bring in pallets, and indirect work means not doing work on the
11 line. We're free-moving around.

12 Q Well, when you're a -- when you're a learning ambassador
13 with doing with the job of training --

14 A Mm-hmm.

15 Q -- can you describe, do you get to move around when you're
16 doing that job?

17 A Yes, we move around a lot. And we train on, basically,
18 we're learning the floor of Amazon. We're learning how to scan
19 packages and just things to -- to get us more familiar with
20 moving up in the company.

21 Q Okay. Now, so you were put on line 2, how long did you
22 stay on line 2?

23 A I'm not sure, maybe about a couple of hours, maybe --

24 Q Okay.

25 A -- or a hour or so.

- 1 Q And then what, were you moved to line 1 then?
- 2 A Yes. I was the only one that was moved.
- 3 Q Okay. And what did you do on line 1?
- 4 A I decanted. This was called pallet decanting.
- 5 Q Okay. And -- and how long did you -- did you stay doing
- 6 pallet decanting?
- 7 A I stayed for the rest of the -- the shift.
- 8 Q Okay. And did you continue to work in that capacity for a
- 9 week, two weeks, three weeks? How long did you stay there?
- 10 A That was the only day they put me there.
- 11 Q Okay.
- 12 A Yeah.
- 13 Q And did -- what other line did you -- did you work -- did
- 14 you do any other line work?
- 15 A Yes. Line 2 and line 3.
- 16 Q Okay. And how long did you stay doing line work on line 2
- 17 and line 3?
- 18 A I continued there until approximately, maybe a week or two
- 19 after that.
- 20 Q Okay. And did you ever go back to doing the regular work
- 21 of a ambassador, a learning ambassador?
- 22 A No. I actually was pulled to do day 2 training with
- 23 another ambassador, to do shadowing, watching her train
- 24 someone.
- 25 Q Okay. And tell me what happened -- well, who was that

1 person that you were shadowing?

2 A Kristalina (phonetic).

3 Q Okay. And who is Kristalina?

4 A Kristalina is another ambassador.

5 Q Okay. And -- and I don't know, maybe I'm -- I may be a
6 little confused about this. You came back -- you came back at
7 the end of February; is that right?

8 A Mm-hmm. January.

9 Q And you were assigned -- you were assigned to do line
10 work; is that right?

11 A January, yes.

12 Q I'm sorry. Do you -- well, you actually came back to work
13 at the end of February is when you actually, they let you come
14 back to work.

15 A Yeah, uh-huh. Mm-hmm.

16 Q And then, from the end of February, you were put to do
17 line work; is that right?

18 A That's correct.

19 Q And how long did you just do line work?

20 A I just continued to do it.

21 Q Okay.

22 A Up until, I think, last week was my first time doing
23 ambassador work.

24 Q Okay. So for -- from about the end of February through,
25 we'll say the end of April --

1 A Mm-hmm.

2 Q -- you were not doing ambassador work; is that correct?

3 A That is correct.

4 Q Okay. So you -- you stayed working on the line; is that
5 right?

6 A That's correct.

7 Q Okay. Now -- now that I got that -- the -- the record
8 wasn't clear exactly on what -- on that issue, but. So then
9 you -- but you were describing an incident involving
10 Kristalina; is that right?

11 A Mm-hmm, that is correct.

12 Q Can you explain to the hearing officer -- well, first of
13 all, when did this incident happen?

14 A It happened maybe a couple weeks after I returned to work.

15 Q So it would be sometime in March?

16 A Yes, that's correct.

17 Q Okay. And tell the hearing officer what happened.

18 A I was pulled to do day 2 training. One of the ambassadors
19 who did day 1 training was not at work, so I was pulled to do
20 day -- day 2 training to shadow Kristalina because Kristalina
21 was doing something else, so they pulled her. So I was
22 shadowing her. The PA came and got Kristalina and told her
23 that someone needed her. So at that point, I continued to
24 evaluate the employee while she went to do that. So when she
25 came back, she told me that someone needed me.

1 And I -- I saw the guy standing over with the laptop on
2 top of the totes. And I walked up to him, and he asked me what
3 was going on. And I told him that I was shadowing Kristalina
4 with a new employee. And he asked me that, well, he needed me
5 to go back on the line. And I said okay. He -- he said, well,
6 you didn't do day 1 training, and I said, well, neither did
7 Kristalina. And he said, well, we don't want you -- but since
8 we didn't train you properly the first time, we don't want you
9 to be passing bad habits to other employees.

10 Q Okay. Now, let me ask you, who was -- what was the name
11 of this person you had an interact -- this interaction with?

12 A He told me that he was the new ma -- general manager over
13 the floor, that was my first time meeting him.

14 Q And what was his name?

15 A I think it was Paul.

16 Q Paul Ecker (phonetic). Okay. And before I ask you about
17 this comment he made, you're make -- excuse me. You're making
18 reference to first-day, second-day training; what -- what does
19 that mean?

20 A When we, ambassadors, do training, we have what is called
21 day 1 and day 2. Day 1, they -- we -- we give particular
22 training to them. And then on day 2, is different training.
23 Like, on day 1, we may do safety training with them. We tea --
24 train them on safety. And then day 2, we may do another part
25 of safety, which is Hazmat and so forth.

1 Q Okay. So "by them", you -- you mean new hires or new
2 employees?

3 A Yes. They could be new hires, new employees, or employees
4 who need retraining.

5 Q That need retraining. Okay.

6 A Mm-hmm.

7 Q So now, I want to take you back to the comment that Paul
8 made.

9 A Mm-hmm.

10 Q He said that if we didn't -- if I understand you -- if I
11 heard it correctly, you said that he didn't want you training
12 because since they trained you poorly the first time, he didn't
13 want you passing on bad habits; is that right?

14 A That's correct.

15 Q What do you think he was referring to when he said that
16 they didn't train you correctly the first time?

17 MR. BRODERDORF: Objection. Foundation.

18 Q BY MR. ROUCO: Well, what do you understand him to be --
19 what did you understand that to mean, that comment to mean?

20 A Immediately --

21 HEARING OFFICER MEYERS: The objection is overruled.

22 Thanks for rephrasing.

23 MR. ROUCO: I'm sorry.

24 HEARING OFFICER MEYERS: Rule on the objection.

25 MR. ROUCO: Yeah.

1 Q BY MR. ROUCO: What -- what did you understand that
2 comment to mean, Ms. Bates? I apologize for going over you.

3 A Immediately, it brought back a memory. And I kind of
4 leaned back, because I had just spoken about me not being
5 trained properly on the media during the interview. And when
6 he said it, it sounded just like I said I was not trained
7 properly.

8 Q BY MR. ROUCO: And this was a -- a -- a media interview
9 that you gave. Do you remember when you gave that media
10 interview?

11 A I think it was in January.

12 Q Okay.

13 A January.

14 Q Now, did he say anything else to you about your job as a
15 learning ambassador?

16 A Yes, he told me that also, he noticed that I didn't turn
17 in my application in time before the deadline.

18 Q Okay.

19 A And I told him that I was on leave when the deadline was
20 in place. And also, I asked him, did -- were they doing
21 something new, because I didn't put in an application in the
22 beginning. He said, well, in the -- in the beginning, we were
23 just winging it. So I'm the new manager, I -- I -- I'm over
24 the -- over the whole floor. So I'm doing things differently.
25 And he said that -- and besides, we don't want -- we want

1 ambassadors who knows what it means to be an ambassador for
2 Amazon.

3 Q And -- and how did you interpret that comment?

4 A I felt like he was letting me know that I wasn't
5 representing Amazon, that I was more so representing the Union.

6 Q Okay. And as an ambassador, do you have more interaction
7 with employees than just working on the line?

8 A Yes.

9 Q Now, did you attend any captive audience or mandatory
10 meetings about the Union?

11 A Yes.

12 Q Okay. Now describe to me, first of all, how many meetings
13 you attended?

14 A I only attended one.

15 Q Okay. And how did you come about to attend one meeting?

16 A One of the PAs came to me and asked me to log out of my
17 computer and come with her, along with other em -- other
18 employees.

19 Q And what month was this that this meeting happened that
20 you attended?

21 A I'm thinking it was January, but it may have been
22 February.

23 Q Okay.

24 A I think it was January.

25 Q Okay. So was there -- was there a -- was there a point in

1 time where you came back for a few days and then went back out?

2 A Yes.

3 Q Okay. Can you describe to the hearing officer when did
4 that happen?

5 A That happened in January, the end of January.

6 Q Okay. And how many days did you come back, or were you
7 allowed to come back to work in January?

8 A I -- I think I was there for, like, a week or so.

9 Q Okay. And then you went back out again?

10 A Mm-hmm.

11 Q Okay. Now, tell me what you -- where was this meeting
12 held?

13 A The meeting was held upstairs, near the cafeteria, the
14 breakroom on the third floor.

15 Q Okay. And do you recall who led the meeting?

16 A No, it was a -- a black guy with -- he had a bald head and
17 glasses. I don't know his name.

18 Q Was there anyone else in the meeting representing
19 management?

20 A There was a PA. There was also someone on another laptop
21 sitting in the corner, and someone in the back. So I don't --
22 I'm not sure who they all were, but they were posted inside the
23 room.

24 Q Okay. And can you describe how the meeting started?

25 A When we walked in, there was a big screen on the wall, and

1 it said, let's do it without dues. And they just told everyone
2 to have a seat and scanned the badges of people in there. And
3 the first thing he asked was, how many people in here who have
4 been a part of a union or are familiar with a union, and I
5 raised my hand.

6 Q Okay. Did anyone else in that meeting raise their hand
7 about prior --

8 A I didn't see --

9 Q -- prior involvement in the Union -- with a Union?

10 A I didn't see anyone.

11 Q All right. So was there any material that was given to
12 you during this meeting?

13 A Not in the meeting that I was in.

14 Q Not in the meeting you were in. Okay. Now, can you
15 describe what were the topics -- what was discussed during the
16 meeting?

17 A One of the things -- a few things that were discussed was
18 that the -- the Union were just broke -- broke people who have
19 sought out a multimillion-dollar company. And they saw it as a
20 big advance to gain millions of dollars. And he told the
21 employees that if the Union comes in, you can lose your
22 benefits. And because -- use your -- lose your benefits and
23 health care because Amazon can't do anything that the Union
24 asked them to do. They said they take -- they're going to take
25 500, your \$500. And he added it up with -- he multiplied it by

1 6,000 people. And he said that they're going to -- this is how
2 much money they're going to get from you. And what they're
3 going do is buy brand-new cars and go on lavish vacations off
4 of your money.

5 Q Okay. Was there any discussion about how the -- the
6 relationship between employees and management, how that would
7 be affected if the Union were voted in?

8 A Yes. He also said that if we bring a third party in, then
9 we will no longer have a relationship with the company. We
10 would no longer be able to come to management about issues that
11 we're having or come talk to us because the third party would
12 come in and they would intervene. And he said, why allow
13 someone to come in when you can speak for yourselves?

14 Q Okay. Was there any discuss -- do you recall whether
15 there was any discussion of strikes during this meeting?

16 A Yes.

17 Q Tell the hearing officer what that discussion was.

18 A Yes. The gentleman said that if there was a strike,
19 Amazon does not pay you while you are on strike. They said you
20 will not get unemployment while you're on strike. And if you
21 cross the strike line, you will end up paying a \$150 fee or
22 whatever fee that the Union has. If you cross the line, you
23 will have to pay that fee. And he also said that if -- if the
24 Union comes in, it will be harder to get them out.

25 Q Okay. Do you know if this individual worked for Amazon?

1 A I'm not sure, because they all had on Amazon shirts and --

2 Q Okay.

3 A Yeah.

4 Q When -- when you sat down, was there anything placed on
5 your seat before you sat down?

6 A No.

7 Q Okay. Now, do you know somebody by the name of Travis
8 Maynard?

9 A Yes.

10 Q Who -- who do you understand is Mr. Maynard?

11 A Travis is the big guy in the Amazon facility investment.

12 Q So when you -- I'm sorry. You froze on me.

13 A Upper -- upper, upper management. Yeah. He's, like, over
14 the facility. Yeah.

15 Q Have you ever met Mr. Maynard before?

16 A I met him once, not -- not personally, but I spoke with
17 him once.

18 Q Well, can you describe that interaction with Mr. Maynard?

19 A Yes. I was actually looking for a parking lot -- parking
20 spot, the day that they put the signs up towards the democratic
21 party. And I was at a stop sign, and he was just -- he was in
22 a truck and he was parked there. And I was at the stop sign,
23 and he looked over and he -- he said, hey, hey said, how do you
24 like the sign? And I told him, I said, well, to me, it looks
25 like Amazon is admitting that they're paying the employees a

1 \$15 minimum wage. And he kind of laughed, and he was
2 speechless.

3 Q Okay. So had -- had you ever interacted with Mr. Maynard
4 prior to that interaction?

5 A No, not that I can remember.

6 Q Okay. Now, did you ever receive a call from someone
7 identifying themselves as representing Amazon about turning in
8 your ballot?

9 A Yes.

10 Q Can you describe to the hearing officer what happened in
11 that call?

12 A Well, I received a phone call, and she told me that she
13 was from Amazon. And was calling to see if received my ballot.
14 And I told her that I had. She said that, well, she was
15 call -- she asked me had I mailed it out, and I told her yes.
16 And she said, well, she was calling to see if I needed help
17 filling the ballot out or if I hadn't received it yet, there
18 was a number I can call to receive a new one.

19 Q Okay. When you came back to work and you were working on
20 the line, did anyone approach you about whether you had turned
21 in your ballot or not?

22 A No.

23 Q Okay. Now, were you ever asked about how you felt about
24 your job --

25 A Yes.

1 Q -- by anyone during this campaign? Okay. Well, who --
2 first of all, who asked you, if you remember?

3 A I don't know. He had on a polo shirt and a laptop. He
4 was a white guy. He just walked to me while I was working.

5 Q And can you tell the hearing officer what -- what that
6 discussion was?

7 A That was the day I -- they put me back there by myself.
8 And he came, and he walked over, and he asked me, how you
9 doing. And he -- he introduced himself, but I can't remember
10 what his name was. But he asked me, he wanted to know that was
11 there anything Amazon can do to make things better for me or
12 was I happy with being with the company. And I mentioned human
13 resources, you know, and he said well, we've finally got human
14 resources on different floors and different areas for you. And
15 on your breaks, if you have any issues, they'll be available
16 for you. And I said, well, that's good. I said, that's about
17 time for them to be more available for us. And he said, okay.
18 He said, well, if you need anything, just let us or -- or with
19 them. And he looked up and he saw my ambassador badge hanging
20 on the hook, and he said, oh, you're an ambassador. And I was,
21 like, yes. And he said -- he said, well, are you interested in
22 becoming a PA. He asked me that. And he said, if you ever
23 decide that you want to move up to a PA, he said, we've got
24 some extra openings that we have right now.

25 Q Okay. And are -- are PAs, are they paid more than -- than

1 learning ambassadors, to your knowledge?

2 A Yes. Yeah.

3 Q And what -- what is it that a PA does, if you could
4 describe that briefly?

5 A The PA works mostly like the manager.

6 Q Okay.

7 A The manager, if they're away, the PAs are the ones who's
8 telling us, you're doing this wrong, or that's telling us when
9 to go to break. So they're basically doing the manager's job,
10 scrubbing time when people have time-off tests. If you've got
11 time-off tests, they're showing up, so different stuff like
12 that.

13 Q And so you mentioned -- and -- and I want to go back to
14 something you said when you -- when you were being questioned
15 by this individual that came to you while you were working by
16 yourself.

17 A Mm-hmm.

18 Q You said something about -- you mentioned HR as something
19 that could be improved; what did you mean by that?

20 A Because I've had interactions with Human Resource and
21 oth -- others have as well. But for myself, I've had
22 interactions with them where they were very unprofessional,
23 where they ignored employees that's standing there on their
24 break time waiting to get help. I've noticed them just
25 standing there talking about other people who've gotten fired.

1 And we're standing there waiting to be helped, and they don't
2 give us eye contact, or not available at all.

3 Q Did that -- did that change during the Union campaign?
4 Did you notice a change in that?

5 A Oh, abso -- yes.

6 Q Describe to the hearing officer how HR changed its
7 approach. How -- how do you believe it changed in its
8 approach?

9 A Well, they're much nicer. You have them placed -- you
10 have one on the third -- have third floor. You have front
11 entrance. You have them on the first floor on -- in the area
12 of outbound and inbound as well, so they're throughout the
13 facility, and they're much nicer right now.

14 Q Okay. Now do you recall any PAs making statements about
15 what would happen if the Union was voted in?

16 A Yes.

17 Q What -- first of all, what was the name of the PA?

18 A Her name was Twyla (phonetic).

19 Q And was Twyla from --

20 MR. BRODERDORF: Madam Hearing Officer, I have an
21 objection to questions regarding process assistants who were
22 eligible voters in the election, and so -- and were stipulated
23 to as part of the bargaining unit by Petitioner. So I'm not
24 understanding the questions about PA comments as it relates to
25 the Union's objections against Amazon.

1 MR. ROUCO: Well, I -- I -- I -- I'm sorry. If I may be
2 heard, I -- I think if you let me develop this line of
3 questioning, you'll see that it -- it really does connect back.
4 Well, first of all, whether PAs -- I -- I understand PAs
5 were -- were stripped in the unit, right? But we also took the
6 position that the PAs are statutory supervisors, which is
7 something that you can't -- you cannot strip a statutory
8 supervisor into the unit. And -- but part of this line of
9 questioning will relate back to what the PA told her they heard
10 from other folks in management.

11 MR. BRODERDORF: Well, now -- now we --

12 HEARING OFFICER MEYERS: That's the argument.

13 MR. BRODERDORF: -- now we have a hearsay issue, but --
14 okay.

15 HEARING OFFICER MEYERS: It -- yeah. I mean, you -- we're
16 getting into hearsay unless you can establish that there -- I
17 mean, are we going to litigate whether or not PAs are
18 supervisors?

19 MR. ROUCO: You know, I -- I don't know honestly, to tell
20 you whether that's the case or not. I think -- I think you've
21 heard -- you've already heard some testimony about PAs and what
22 they do and what their functions are. I can go --

23 HEARING OFFICER MEYERS: And I also recall that in the
24 pre-election, you stipulated that they were to be included in
25 the unit.

1 MR. ROUCO: That's right, they were stippled based on what
2 we knew at the time. And we had this issue come up during the
3 count of the election as to whether PAs, based on information
4 that we've received subsequent to that stip, are actually 2(11)
5 supervisors under the Act. And this argument was raised by Mr.
6 Broderdorf. Ultimately, it didn't get resolved, right? But --
7 but I don't think we're sort of foreclosed because of the stip
8 to -- to, you know, litigate their supervisory status, unless
9 you think otherwise.

10 HEARING OFFICER MEYERS: I -- I don't think you're
11 foreclosed, but I think you have to take a position. I don't
12 think you can waffle back and forth and put in their evidence
13 as agents but not take a position. So --

14 MR. ROUCO: Well, I -- I -- well, I can tell you what my
15 position is. I mean, I think they're supervisors, they're
16 2(11) supervisors. But I recognize that back in November, the
17 Union stippled to it based on the information it had available
18 to it. But subsequent information, I think, leaves no doubt
19 they're 2(11)s, that PAs are 2(11) supervisors.

20 HEARING OFFICER MEYERS: And I don't know that that's
21 encompassed within the objections that were filed, and I am
22 limited to those objections.

23 MR. ROUCO: Okay.

24 HEARING OFFICER MEYERS: I will take it under advisement.
25 I'll do a little research, figure this out. But right now,

1 it's -- it's hearsay.

2 MR. ROUCO: All right. So --

3 MR. BRODERDORF: May I -- may I briefly respond?

4 MR. ROUCO: Well, she ruled in your favor.

5 HEARING OFFICER MEYERS: I --

6 MR. BRODERDORF: I'm just --

7 MR. ROUCO: But if you want to --

8 HEARING OFFICER MEYERS: No.

9 MR. ROUCO: -- keep arguing it, that's fine.

10 HEARING OFFICER MEYERS: No, I mean, I don't understand
11 what you need to respond to. I just ruled in your favor. I
12 mean, we can drag this hearing out while everybody, you know,
13 discusses things in perpetuity, or we can let my ruling stand.
14 So we're going to let the ruling stand, and go on with the
15 witness. Thank you.

16 MR. BRODERDORF: Thank you.

17 MR. ROUCO: Unless Mr. Broderdorf wants to convince you
18 that you were wrong.

19 HEARING OFFICER MEYERS: I don't -- I -- I don't think
20 I've ever seen that before, so I -- I doubt that will happen.
21 So let's go on with this witness so that we can finish this up
22 today.

23 MR. ROUCO: All right. All right.

24 HEARING OFFICER MEYERS: Thank you.

25 MR. ROUCO: I -- I'll move it along.

1 Q BY MR. ROUCO: You -- you -- you've -- I think you've
2 already testified about HR becoming more accessible during the
3 campaign. Were there other things that you noticed, if
4 anything, that the company was giving out during the campaign
5 that they had not provided earlier?

6 A They started giving out candy and cookies and Gatorade
7 that I noticed, vote T-shirts. I seen employees with the tags
8 with "Vote" on the back of them, and I saw a lot of cars in the
9 parking lot with "Vote No".

10 Q Okay. Now, in the -- in the -- do you know how employees
11 were given these "Vote No" tags?

12 A A couple of employees told me that they were given to them
13 in the meeting.

14 Q In the meeting?

15 A Uh-huh.

16 Q Okay. And -- all right. During -- do you recall getting
17 any pay raises from Amazon when the organizing drive started?

18 A Yes. It was --

19 Q Can you explain to the -- the hearing officer, to the best
20 of your recollection, when this happened?

21 A It was about one or two days after the Union organizing
22 started at the gate.

23 Q Okay. And did -- when did you actually receive the --
24 well, let me ask you. Did you receive an increase in pay?

25 A Yes, I received 30 cents, I think the following week or

1 so. I think it was 30 cents. And I think after I reached my
2 six months, I received -- I moved up to 55 cents.

3 Q Okay. And when -- when did you get that second piece,
4 when did you move up?

5 A After my six months. I started working in May, so it
6 was -- it wasn't too long after.

7 Q Okay. And did they -- did they -- did Amazon explain why
8 you were getting a raise?

9 A No. When I walked in the Atrium, one of the security
10 guards told us -- we were standing out there, and he said, you
11 all are getting a raise today. You all are getting a 50 -- 50-
12 cents raise, and everybody was looking, and was like, really?
13 So after that, I think it was the -- that evening or the next
14 day, we saw this big poster on our way out with a projection of
15 3D of how we would get those raises.

16 Q Now, were there any other bonuses or pay that were --
17 that, to your knowledge, that was given in January of 2021 that
18 had not been made available prior to the organizing campaign?

19 A Yes, there was a \$300 bonus that was supposed to be given
20 in December, but I think it was given in January or February.

21 Q Okay. And did -- and did you end you up getting that
22 bonus?

23 A I'm not sure. I never checked to see if I received it or
24 not.

25 Q Okay. Are you familiar with something that's called "The

1 Offer"?

2 A Mm-hmm, yes.

3 Q Can you -- can you explain to the -- to the hearing
4 officer what you understand the offer to be?

5 A The email that I received, they asked if you were looking
6 for something else to do outside of Amazon; you didn't want to
7 be there. That we have something that's called "The Offer".
8 And it started off with one or two years of peak. You would
9 get -- so one to two years or one to three years you get a
10 \$2,000, and \$1,000 if you are part time. And it went all the
11 way down to like, I think, four or five years.

12 MR. ROUCO: Now, we've marked that as a Union exhibit. Did --
13 did you get the documents that I -- that you've provided which
14 are Union exhibits, do you have those in front of you?

15 A Yes, I do.

16 Q And if you turn to Union Exhibit 12 -- actually, you know
17 what? We're going to -- we're going to do a different exhibit.
18 But look at Union 12; do you see that?

19 A Um-hum.

20 Q Does that look like part of the email that you received?

21 A Yes, this is it.

22 MR. ROUCO: Okay. Madam Hearing Officer, we -- we've
23 actually marked as Union Exhibit 18, though I -- I did not have
24 an opportunity to provide it to the witness, the full text of
25 this offer. May I ask permission to have the bailiff put that

1 on the screen?

2 HEARING OFFICER MEYERS: You can.

3 Bailiff, could you do that for me, please?

4 THE BAILIFF: Give me just a minute. All right. It
5 should be up. Can you see it?

6 THE WITNESS: Yes. Just a moment.

7 Q BY MR. ROUCO: So what we have marked as Union Exhibit
8 Number 18, can you identify this document?

9 A You're asking me?

10 Q Yes, ma'am.

11 A Yes, that's part of the email that we received from Amazon
12 about the offer.

13 Q Okay, and does this -- is this your understanding of the
14 offer as it was described to you?

15 A I understood it as they were trying to get rid of us.

16 Q And who is eligible for -- for this offer? Do you know?

17 A Part -- part-time and full-time employees.

18 Q And did they -- but if you -- if you look at the -- the --
19 the -- the second question is "how much do I receive if I
20 participate"; do you see that?

21 A Yes.

22 Q And the answer, if you look at the second sentence, it
23 says "regular hourly Blue Badge Amazon associates who have
24 completed one continuous year as a Blue Badge employee are
25 eligible"; do you see that?

1 A That's correct. Yes.

2 Q You know what -- what -- what is being referred to as
3 "Blue Badge employee"?

4 A Yes. All regular employees.

5 Q Okay, but when they -- when they use the term, Blue Badge,
6 do you wear a blue badge as an employee, or?

7 A Yes, that's correct. We have a blue badge with our
8 picture on it.

9 Q Okay, and do part-time employees -- are they considered
10 Blue Badge employees, if you know?

11 A I think part-time has white badges, if I'm not mistaken.
12 I'm not sure.

13 Q And -- and it says they have to have completed one
14 continuous year as a Blue Badge; do you see that?

15 A That's correct.

16 Q Now, how long was the Amazon facility, or BHM1, to your
17 knowledge, open when this offer was made?

18 A About 9 months, 10 months, 11 months, something like that.

19 Q Okay.

20 A About 10, 11 months.

21 Q All right. Now, did you have any -- any discussions
22 with -- with your coworkers about this offer?

23 A Yes, a lot. Yes.

24 Q What was your -- what -- what -- tell me what you recall
25 was the reaction to this offer?

1 A They were shocked, and they thought that Amazon was trying
2 to buy their vote.

3 Q Now, did you -- did you hear talk at all about -- well,
4 let me -- was there any discussion of closing down the BHM1
5 facility?

6 A Yes.

7 MR. BRODERDORF: Objection. Overbroad.

8 MR. ROUCO: Now --

9 HEARING OFFICER MEYERS: Can you rephrase, Richard,
10 please?

11 MR. ROUCO: Okay.

12 Q BY MR. ROUCO: Well, let me -- let me rephrase this.
13 During the campaign, the organizing campaign, did you hear from
14 any management employees that BHM1 might close down if the
15 Union was voted in?

16 A No.

17 Q Did anyone report to you that some manager had told them
18 that?

19 A Yes.

20 MR. BRODERDORF: Objection. Hearsay.

21 MR. ROUCO: Well, let me -- I understand it's hearsay, but
22 let -- but I want to ask this witness one other question. I'm
23 not going to ask --

24 Q BY MR. ROUCO: What I need to know is: who is it that
25 told you that, if you remember?

- 1 A The name?
- 2 Q Yes.
- 3 A Yes, Tamisa Booker (phonetic).
- 4 Q And who is Ms. Booker?
- 5 A She's an ambassador.
- 6 Q Okay, and -- okay. Now, during the -- the campaign -- I'm
- 7 going to move on to another topic because Ms. Booker -- Ms.
- 8 Booker is an ambassador, right, she wasn't management?
- 9 A Yes.
- 10 Q Now, during the -- during the campaign, do you recall what
- 11 kinds of slogans Amazon was using in its opposition to the
- 12 Union?
- 13 A Yes.
- 14 Q What kind of slogans did you hear?
- 15 A Let's do it without dues, why pay for something you
- 16 already have, don't be a due-er (phonetic), to be -- don't be a
- 17 due-er, don't let anyone come between us. That's all I can
- 18 remember right now.
- 19 Q Okay, and did you get any text messages from Amazon?
- 20 A Yes.
- 21 Q And those text messages had some of their campaign themes;
- 22 is that right?
- 23 A That's correct.
- 24 Q If you look at -- you have those documents in front of you
- 25 that I've marked as Union exhibits?

1 A That's correct.

2 Q Look at Union Exhibit 1. This has already been previously
3 identified --

4 MR. ROUCO: I'm muting while a train passes. My building
5 is right next to a bunch of tracks.

6 THE BAILIFF: Mr. Rouco, can we take the -- can I stop
7 sharing my screen?

8 HEARING OFFICER MEYERS: Richard, you're still muted.

9 MR. ROUCO: I'm going to move for admission -- before we
10 do that, I'm going to move for admission of Union 18.

11 HEARING OFFICER MEYERS: Any objections to the admission
12 of Petitioner's -- or Union 18?

13 MR. BRODERDORF: No objection.

14 HEARING OFFICER MEYERS: Union 18 is admitted into
15 evidence.

16 **(Union Exhibit Number 18 Received into Evidence)**

17 Q BY MR. ROUCO: Ms. Bates, can you look at what I've
18 marked -- what's been previously marked as Union Exhibit 1?

19 A Yes.

20 Q And do you --

21 A You're muted.

22 Q Do you recognize the document that's marked as Union
23 Exhibit 1?

24 A Yes.

25 Q And can -- is this -- is it fair to say this is a text

1 message that you received?

2 A That's correct.

3 Q And do you know if other -- and to your knowledge, do you
4 know if other employees received the text message that's marked
5 as Union Exhibit 1?

6 A Yes.

7 Q Okay. How do you know that?

8 A Because my sister showed me hers; my daughter works there,
9 also. And some of my coworkers have it, as well.

10 Q So this was -- this was a text message that you understand
11 was sent to everybody?

12 A Yes.

13 Q Now, if you look at Union Exhibit Number 2, this exhibit
14 has also been previously identified, and it's been admitted
15 into the record. It's -- do you recognize that text message?

16 A Yes.

17 Q Okay. Was it your understanding that this text message
18 was also sent to all employees?

19 A That's correct.

20 Q And then, it talks about not giving up your voice; is that
21 correct?

22 A That's -- that's correct.

23 Q Did -- during the organizing campaign, do you recall
24 management, or anyone connected with management, talking about
25 not giving up your voice?

1 A Yes.

2 Q In what context did they say that?

3 A Don't -- you -- you can -- you don't need anyone to speak
4 for you, you can speak for yourself.

5 Q Okay. If you look at Union Exhibit Number 4, this is also
6 an exhibit that's been previously identified and admitted into
7 the record; do you recognize what's marked as Union Exhibit 4?

8 A Yes.

9 Q Okay, and I guess it's already previously been described
10 as a text message that was sent; did you receive this text
11 message? Do you recall receiving this?

12 A Yes, yes.

13 Q And it's your understanding that all employees who were
14 eligible to vote in the election received this text message?

15 A That's correct.

16 Q Okay, and the -- the very first sentence right under BM --
17 word from from BHM1 leadership is "protect what you have",
18 exclamation point; do you see that?

19 A That's correct.

20 Q What did you understand that to mean?

21 A That what --

22 MR. BRODERDORF: Objection. Her subjective reaction to it
23 is not relevant to this proceeding.

24 MR. ROUCO: I -- I think the concept of what -- what these
25 terms mean is relevant; I don't understand how it can't be.

1 MR. BRODERDORF: Well, under the caselaw, it's not, so.

2 HEARING OFFICER MEYERS: It is an objective impression;
3 however, she can discuss this. I'm going to offer some leeway
4 here. Overruled.

5 MR. ROUCO: Okay, thank you.

6 Q BY MR. ROUCO: So objectively, what was your impression of
7 this -- of this email, or this text message?

8 A Well, to me, I felt like they was telling me that I would
9 lose what I have at Amazon. I would lose my benefits and -- if
10 the Union is voted inside the facility.

11 Q Is that -- did you hear that message in the -- in the
12 meeting that you attended?

13 A Yes.

14 Q Now, I want to change topics a little bit about a mailbox,
15 or what's called a cluster box; do you recall whether a cluster
16 box was installed at BHM1?

17 A That's correct.

18 Q And do you recall when, the time frame that that happened?

19 A I actually saw it, like, a week and a half before the
20 ballot mail-out.

21 Q Okay, so it's when you came back -- when you came back to
22 work, you saw it; is that right?

23 A No, that -- that day, I actually brought my daughter to
24 lunch when I saw it, and I parked there.

25 Q Okay, and where -- where was this box located?

1 A It was in the same aisle as the drop-off area, just like a
2 little bus drop-off area, and it was sitting on the sidewalk
3 right in from the facility.

4 Q And did you receive any -- do you recall receiving any
5 messages about using that box?

6 A That's correct.

7 Q What do you recall seeing?

8 A I recall it letting us know that there was a secured box
9 in front of the facility, and you can fill in your ballot out
10 as soon as you can and bring it and put it in the box our
11 front, and.

12 Q Did any -- did anyone ever approach you about using that
13 box?

14 A No.

15 Q Okay. Do you know whether there are -- are security
16 cameras that are pointed towards the parking lot?

17 A Yes.

18 Q Did the security cameras give you any concern?

19 A Yes, I knew that they had eyes on the mailbox for -- it's
20 able to see the employees who is coming to drop their ballots
21 off. And I felt like they were identifying the people who
22 dropped their ballots off.

23 MR. BRODERDORF: Objection. Foundation, move to strike.

24 HEARING OFFICER MEYERS: Any response, Mr. Rouco?

25 MR. ROUCO: I think -- I mean, I think the issue is, is

1 that she's testifying about the -- the impression that's
2 created by --

3 HEARING OFFICER MEYERS: Her subject -- her subjective
4 impression?

5 MR. ROUCO: Yeah, exactly.

6 HEARING OFFICER MEYERS: Yeah. Objection sustained.

7 MR. ROUCO: Well, but one issue -- wait. But one issue
8 is -- is -- in the objection, and I think in -- Board laws says
9 that you look at -- it's not just actual surveillance. But if
10 the Employer creates the impression of surveillance so that the
11 impression of surveil -- I mean, I don't know how you -- you
12 put evidence on about the creation of an impression of
13 surveillance without asking a witness, did -- did you have that
14 impression.

15 HEARING OFFICER MEYERS: I'm going to -- I'll grant you
16 some leeway with that argument.

17 MR. ROUCO: Okay, so -- well, she's already testified to
18 this point, so you know, with that, we'll go ahead, and I'll
19 tender this witness. Thank you.

20 HEARING OFFICER MEYERS: Mr. Broderdorf, I don't know
21 which of you is going to go first. How much time do you guys
22 need to prepare?

23 MR. BRODERDORF: I -- I'd ask for 20 minutes.

24 HEARING OFFICER MEYERS: We can do that.

25 MR. BRODERDORF: Thank you.

1 HEARING OFFICER MEYERS: So that would put us at 3:45, or
2 2:45 for Mr. Rouco.

3 And I have no idea where you are, Mr. Broderdorf, but I'm
4 not even going to try to do the math on that. I think that
5 makes it 12:45.

6 You can get a -- you can get a quick snack, too, Mr.
7 Johnson.

8 Let's go off the record until 3:45 Eastern Time.
9 (Off the record at 3:27 p.m.)

10 HEARING OFFICER MEYERS: So let's go on the record.

11 THE COURT REPORTER: We're on.

12 HEARING OFFICER MEYERS: Just a reminder, Ms. Bates,
13 you're still under oath.

14 Mr. Broderdorf, this is your witness.

15 MR. BRODERDORF: Thank you, Madam Hearing Officer.

16 **CROSS-EXAMINATION**

17 Q BY MR. BRODERDORF: Ms. Bates, my name is David
18 Broderdorf; I'm counsel for Amazon. I have some questions for
19 you regarding your testimony today.

20 A Okay.

21 Q To -- to start, I'd like -- I'd like to clarify your most
22 recent employment history with Amazon, specifically the dates
23 that you were out on leave versus the dates that you were
24 actively working at BHM1. So does it sound right that you had
25 a leave period from November 19th, 2020 to January 15th, 2021?

1 A That might be right.

2 Q Do you have any reason to -- to doubt that date range?

3 A No, other than I have to look at paperwork to make sure
4 that was the date; that's it. It was approximately, yeah.

5 Q And then, after January 15th, you returned to work and
6 then had another leave between February 3rd and February 16th,
7 2021; does that sound right?

8 A Um-hum.

9 Q And then, since February 16th, you've been back except for
10 maybe a few days in mid-April?

11 A Yes, I've been back.

12 Q Okay, so I have some questions about the meeting that you
13 attended when -- when you were back. So to confirm, would that
14 meeting, to your recollection, have occurred after you returned
15 January 15th and before you went out again on February 3rd?

16 A That's correct.

17 Q And do you recall the specific week, or even the day of
18 the week, that you attended that meeting?

19 A No.

20 Q How many other employees attended the meeting that you
21 attended?

22 A It was about, maybe, 15, 10 or 15.

23 Q 10 to 15 employees?

24 A Yes, that I can remember.

25 Q And during that presentation, the presenter, I think you

1 testified, was an African American gentleman?

2 A That's correct.

3 Q Did he present from any sort of PowerPoint or anything in
4 writing?

5 A A PowerPoint.

6 Q There was a PowerPoint on the screen, and he was -- he was
7 presenting from -- from that?

8 A Sometimes, he was presenting from that, and sometimes, he
9 was just talking without that.

10 Q And when you testified about what he was saying to you in
11 the meeting, was that based -- was he -- was he stating to you
12 what was on the screen, or was he saying something different
13 than was on the screen?

14 A He was saying some of the stuff that was on the screen,
15 and then he was just talking.

16 Q Okay, and you testified that, on the issue of -- of
17 collective bargaining, that the company was saying that
18 employees would lose benefits if the employees were voted in;
19 was that -- was that your testimony?

20 A The -- in the meeting?

21 Q Yes.

22 A Yes, in the meeting, he stated that -- that we could lose
23 our benefits.

24 Q "Could lose", so isn't it the case he said that, in
25 collective bargaining, things can improve, they can stay the

1 same, or they can go down?

2 A I don't remember that.

3 Q Okay, but he did say that you could lose benefits, right?

4 A That's correct.

5 Q And on the issue of collective bargaining, there was a lot
6 of -- a lot of campaign communication about how bargaining
7 works, right? Do you recall seeing other campaign
8 communications about how bargaining works?

9 A What do you mean?

10 Q So Amazon -- didn't Amazon put out a lot of communications
11 about bargaining that say wages and benefits can go up, they
12 can stay the same, or they can go down?

13 A I'm not sure.

14 Q So you don't -- you don't recall seeing any of that?

15 A I'm not sure, no.

16 Q And during the campaign, did you receive text messages
17 from Amazon?

18 A Yes.

19 Q And did you receive other campaign communications from
20 Amazon?

21 A Yes, I think, yeah.

22 Q Through the A to Z app?

23 A Yes, yes.

24 Q And during the meeting, you testified there was discussion
25 around the Union, how the Union spends money?

1 A Um-hum.

2 Q And are you familiar with what's called a LM-2?

3 A No.

4 Q So you're not familiar with a federal form that the Union
5 files that references how it spends money?

6 A No.

7 Q On the issue of collective bargaining, did -- did the
8 Union put out any communications that you saw regarding how
9 bargaining works?

10 A I think so.

11 Q And is it -- do you recall if the Union made a guarantee
12 in writing that said, "There will be no loss of wages of
13 benefits as a result of voting for the Union"?

14 A No, I don't remember that.

15 Q You don't remember that?

16 A No.

17 Q Did you receive a Union newsletter or newspaper at all
18 during the campaign?

19 A Yes.

20 MR. BRODERDORF: Could we put up Employer Exhibit 7,
21 please? And I'm happy to -- to try to share screen if that's
22 more convenient.

23 HEARING OFFICER MEYERS: If you can, that might be easier.

24 MR. BRODERDORF: Okay.

25 THE BAILIFF: Not sure he'll be able to share the screen,

1 but I can put it --

2 You said 7; is that correct?

3 MR. BRODERDORF: Yeah, 7. I -- I have it pulled up here,
4 so I'm just seeing -- I have a dual-screen setup going. So I'm
5 seeing if I can -- looks like I can get it right now, if
6 that --

7 THE BAILIFF: All right. Let me know if it doesn't work
8 and I will -- I'll share it.

9 MR. BRODERDORF: Okay. All right.

10 Q BY MR. BRODERDORF: Can you see the PDF up, yes or no?

11 HEARING OFFICER MEYERS: Ms. Bates, can you see it?

12 THE WITNESS: Yes.

13 Q BY MR. BRODERDORF: Okay, and I'm scrolling to page 4; is
14 it scrolling with you?

15 A Yes, it is.

16 Q Thank you. So I'll scroll to page 1. This is called the
17 BAmazon Union newspaper. It's Employer Exhibit 7; that's
18 already been admitted. Ms. Bates, have you seen this -- this
19 newspaper?

20 A I'm not sure.

21 Q Okay, you're not sure if you -- if you saw this. I'll
22 scroll right to the end, and there's a section called RWD --
23 DSU guarantees; have you seen this list of guarantees from the
24 Union before?

25 A No.

1 Q So this is the first time that you've seen Union
2 guarantees?

3 A Yes.

4 Q Okay. I have no other questions on Employer Exhibit 7.
5 When you attended the meeting -- and --

6 MR. BRODERDORF: And by the way, I just want to confirm
7 that the shared screen went off?

8 MR. JOHNSON: It did.

9 MR. BRODERDORF: It did? Thank you.

10 Q BY MR. BRODERDORF: Ms. Bates, when you attended that --
11 that meeting, was it your understanding that that was an Amazon
12 campaign meeting?

13 A Yes.

14 Q And the goal of that meeting was for Amazon was to
15 campaign to employees prior to the voting period starting?

16 A That's correct.

17 Q And was there anything about that meeting or the
18 presentation where you were confused about whether it was
19 Amazon's campaign speech?

20 A No.

21 Q And you testified about company themes during the
22 campaign; do you recall that testimony?

23 A That's correct.

24 Q So what were some of the Union themes during the same
25 campaign?

1 A Better together. I don't know. I know that one.

2 Q How about getting a voice in the workplace? Was that --
3 was that a campaign theme?

4 A Getting a voice, I don't know; I -- I don't remember that
5 one.

6 Q Don't remember that one?

7 A No.

8 Q What about improving wages?

9 A No, I don't remember that one, either.

10 Q Don't remember that campaign theme?

11 A No.

12 Q What about representing employees in meetings with
13 management? Was that a campaign theme?

14 A No.

15 Q And what about bargaining for other improvements? Was
16 that a campaign theme?

17 A Bargaining for other improvements?

18 Q Yeah, so we -- we talked about wages. You said that there
19 wasn't -- there was not a campaign theme of improving wages.
20 So I'm wondering, with respect to bargaining, what was -- was
21 there another theme?

22 A You mean advertising about it?

23 Q Well, you testified about themes that the company had
24 during communications that you read or observed.

25 A Yes.

1 Q So my question is: what was the Union's cam -- what were
2 the Union's campaign themes that you observed and heard?

3 A The Union campaign on the signs that I remember is
4 we're -- we're better together. That's what I can remember.

5 Q Better together. Did the Union promise to achieve
6 anything as a result of unionization?

7 A No. Actually, the Union continued to let us know that
8 they couldn't promise anything, and instead, the employees, we
9 come together and present a contract to Amazon at the
10 bargaining table. They said they can never promise anything.

11 Q So you just don't recall the Union saying there will be no
12 loss of wages or benefits as a result of voting for the Union?

13 A No.

14 Q Ms. Bates, you testified that, at one point, you received
15 a call from -- from someone from Amazon to discuss the voting
16 process; is that -- is that correct?

17 A Um-hum.

18 Q And do you recall that employee's name?

19 A No, I don't.

20 Q Do you recall the date that you received a call?

21 A No.

22 Q What did the person say or do to make you think that she
23 was from Amazon?

24 A Because she told me.

25 Q What did -- what did she say?

1 A She -- she introduced herself, and she said that she was
2 calling from Amazon to make sure -- to check to see if I got my
3 ballot.

4 Q She didn't tell her name -- her name, though?

5 A Yes, but I didn't remember her name.

6 Q Do you recall if you -- if you knew that person when she
7 called, you said, oh, yeah, I -- I know who that person is?

8 A Oh, no.

9 Q And did that person give you a number at the -- a number
10 to call if you had -- you know, if you didn't receive a ballot,
11 or if you had issues with your ballot?

12 A Maybe she did, but she told me that -- that if -- if I
13 did, that I could call and get another one.

14 Q Did she give you a number to call?

15 A Maybe she did; I can't remember.

16 Q Okay. Isn't it true that she gave you the number to the
17 National Labor Relations Board?

18 A Maybe she did; I can't remember. I can't remember the
19 conversation verbatim.

20 Q And while you don't remember the -- the -- the date of the
21 call, was -- you had mentioned that you had been involved with
22 some Union-related media or other activities; is that the case?

23 A No, that is not the reason why I don't remember.

24 Q No, no, no, no, that's not -- not my question. I'll be --
25 I'll be clearer.

1 A Okay.

2 Q You testified that you've been involved with some -- some
3 media or other activities regarding the Union campaign,
4 correct?

5 A That's correct.

6 Q And when did those activities first -- first occur?

7 A I'm thinking it was in -- what do you mean when you say
8 "activities"?

9 Q So you -- so for example, I believe you testified, but
10 please correct me if I'm wrong, that you were involved with
11 some -- some media events; is that true?

12 A Yes.

13 Q And so when -- when were those media events?

14 A I think it was maybe January or February, if I'm not
15 mistaken.

16 Q And were those widely known events? Did -- for example,
17 do you know if any -- anyone in Amazon management knew about
18 those -- those media activities?

19 A If they watched the news, I'm sure they did.

20 Q And when you received a call from this person who you
21 understood was from Amazon, was that after your media
22 activities that involved the Union?

23 A I'm not sure.

24 Q You just don't remember?

25 A Oh, yes. Yes, it was after.

1 Q It was after?

2 A Um-hum.

3 MR. BRODERDORF: Just need 30 seconds here, and I may
4 switch over to Mr. Johnson.

5 HEARING OFFICER MEYERS: Okay. We will take a one-minute
6 recess.

7 MR. BRODERDORF: Thank you.

8 HEARING OFFICER MEYERS: Off the record.

9 (Off the record at 4:06 p.m.)

10 HEARING OFFICER MEYERS: On the record.

11 Ms. Johnson, please proceed.

12 MR. JOHNSON: Thank you, Madam Hearing Officer.

13 **CROSS-EXAMINATION**

14 Q BY MR. JOHNSON: And thank you, Ms. Bates. Thank you for
15 your service to Amazon's customers. I'm also an attorney with
16 the company. Can I refer you to Union Exhibit 18, and it might
17 be easier to put that up on the screen.

18 A Yeah. I don't have it.

19 HEARING OFFICER MEYERS: Can the bailiff do that, please?

20 MR. JOHNSON: I'm not as good as Mr. Broderdorf, in terms
21 of sharing screens. I'll probably crash the whole call if I
22 try that?

23 Okay. So can you stay locked at the top, Madam Bailiff?
24 Thank you.

25 Q BY MR. JOHNSON: So can you see that, Ms. Bates?



1 A Uh-huh.

2 Q Okay. Thank you. So when you were testifying about this
3 exhibit, you got all of it, so it was the rectangle on the top
4 that reads, "The offer is available" and then the FAQs about
5 the offer of peace. Am I correct?

6 A That's correct.

7 Q Okay. And so there were -- there was some language in
8 here that was on the top of the text here -- the top rectangle.
9 It says, and I'll just start reading where the offer is
10 highlighted in white. It says, "Call of the offer. An exit
11 notice, starting at \$1,000 is based on how many peaks you've
12 worked." Do you see that?

13 A That's correct.

14 Q Okay. And when you saw it, did you -- do you know what
15 they meant by peaks? Was that a term --

16 A Yes.

17 Q -- at Amazon?

18 A Uh-huh.

19 Q What -- what was that?

20 A Peak season.

21 Q Okay.

22 A Holiday season. Uh-huh.

23 Q And what was your understanding of when that ran?

24 A November to December.

25 Q Okay. And were you aware that there may have been

1 employees at BMH1 that were actually eligible because they had
2 worked long enough, a year or more, at other Amazon facilities?

3 A That's correct.

4 Q Okay. So there were actually people who were eligible in
5 BHM1 to get this offer because they worked more than a year,
6 right?

7 A Yes.

8 Q Okay. And you testified about this exhibit that to you it
9 was Amazon, and -- and you can correct me. I don't have the
10 transcript in front of me, but it was like they were trying to
11 buy votes.

12 A Uh-huh.

13 Q I got that right? Okay. But the word "Vote" or "We want
14 your vote" isn't anywhere in this document, right?

15 A That's correct.

16 Q Do you know of anybody who was eligible who took the
17 offer?

18 A No, I don't.

19 MR. JOHNSON: And then you can take down the -- this
20 exhibit. Thank you, Madam Bailiff.

21 Q BY MR. JOHNSON: And it might -- have you had a chance to
22 review the Employer exhibits for today, or not?

23 HEARING OFFICER MEYERS: I don't think they've been sent
24 to her.

25 MR. JOHNSON: Oh, all right. I -- I -- for -- forgive me.

1 I thought just -- we had published them in SharePoint, so they
2 were there. So maybe I can do them --

3 HEARING OFFICER MEYERS: Yeah.

4 MR. JOHNSON: -- one at a time. So she can just review
5 them on the screen. Is that fair?

6 HEARING OFFICER MEYERS: That -- that'll work if we can do
7 it that way. It'll probably be easier than emailing them to
8 her.

9 MR. JOHNSON: Okay. I -- I guess for purposes of future
10 days, we should just sort of tell the court reporter and
11 bailiff to email them. Is that how it should work?

12 HEARING OFFICER MEYERS: It -- yeah, I mean, if -- if --
13 if you -- if you want us to or -- yes. Because we will have
14 the contact information to send them to them in advance.

15 MR. JOHNSON: Okay. Thank you, Madam Hearing Officer. So
16 if we crack open and put on the screen, Madam Bailiff, Employer
17 Exhibit 1.

18 THE BAILIFF: Give me just one second. Sorry.

19 MR. JOHNSON: Thank you. No problem. I trust you more
20 than I trust me to do this.

21 HEARING OFFICER MEYERS: And me.

22 THE BAILIFF: All right. This should be 1.

23 MR. JOHNSON: Yeah, you -- you can scroll it so Ms. Bates
24 can see the whole thing.

25 Q BY MR. JOHNSON: Ma'am, tell me when you're ready to talk

1 about that.

2 THE BAILIFF: It might be better if I --

3 MR. JOHNSON: You can just scroll to the top and -- and
4 make it big enough so she can see it, please.

5 THE BAILIFF: Can you read that, Ms. Bates?

6 THE WITNESS: Yes.

7 Q BY MR. JOHNSON: All right. Just tell me when you're
8 ready to talk about this, ma'am.

9 A Okay.

10 Q Okay. So you testified earlier that you have some family
11 members who work at the BHM1 facility besides yourself, right?

12 A Um-hum.

13 Q So you had some idea of when Amazon sent something out
14 that -- you know, if it was sent out to all employees at BHM1.
15 Do I have that right?

16 A That's correct.

17 Q And that was because your relatives and your -- for
18 example, your daughter would get it and you would get it,
19 right?

20 A And coworkers as well.

21 Q And coworkers as well. Okay.

22 A Um-hum.

23 Q So these were -- this -- this top one that's dated
24 February 11 that starts out, "A word from BHM1 leadership. You
25 may have noticed a tent." That was something that was sent out

1 to everybody, right?

2 A I'm sure.

3 Q Okay. And then, the next one down, "A word from BHM1
4 leadership. We want everyone to vote in this election." That
5 was sent out to everybody, too, right?

6 A Maybe.

7 Q Okay. You don't -- you don't know on that one, one way or
8 another?

9 A They -- they -- it probably have because we got
10 multiple -- they were back-to-back. The same messages and some
11 altered a little bit. So I've messaged them back a couple of
12 times saying I've already voted. I've already voted. I've
13 already voted so.

14 Q Sure. You were probably getting sick of it at a certain
15 point --

16 A Yeah.

17 Q -- right?

18 A Um-hum.

19 Q Okay. But do these two seem familiar to you as something
20 that you received?

21 A Yes. Uh-huh.

22 Q Okay.

23 MR. JOHNSON: And I don't have anything else on those
24 exhibits, so you can take that down and put up Exhibit 3.

25 Q BY MR. JOHNSON: All right. Now, this is a different

1 format. But I'll represent to you it's a -- you know,
2 purported -- reported to me to be a tax -- you see this
3 document that says T-E-A 2.20 (phonetic)?

4 A Uh-huh.

5 Q Okay. Well, take a minute to review it and tell me when
6 you're ready to talk about it.

7 A Yes.

8 Q Okay. And so my question is just about the box that says
9 text message in there. But that something that you received,
10 you know, on or about February 20 as a text, right?

11 A I'm not sure of the dates that we received them.

12 Q Okay. Well, that's --

13 A With that --

14 MR. JOHNSON: I'll withdraw that.

15 Q BY MR. JOHNSON: Sometime in February, do you recall
16 receiving a text like this?

17 A Maybe, like I said, there were so many and --

18 Q Okay. Let --

19 A -- that --

20 MR. JOHNSON: Let me withdraw that question now.

21 A I don't -- I don't remember the don't get tricked. I -- I
22 don't remember.

23 Q BY MR. JOHNSON: Oh, so you don't remember this particular
24 one?

25 A No.

1 Q Okay. All right. Well, I won't even ask you any further
2 questions about it.

3 MR. JOHNSON: You can -- you can take that one down. All
4 right. And then, can you put up Employer Exhibit 8? It's just
5 a one screen. Okay.

6 Q BY MR. JOHNSON: And did you ever follow the RWDSU Twitter
7 account?

8 A I do now.

9 Q Okay. Did you ever see this one that was posted according
10 to Twitter, March 3, 2021?

11 A No.

12 Q Okay. So let me not ask you about that either.

13 MR. JOHNSON: We can take that one down.

14 THE BAILIFF: It'll be easier if you can just tell me the
15 next one. I can just flip to it immediately.

16 MR. JOHNSON: Oh, sure. Sure. The next and last one will
17 be **4**.

18 THE BAILIFF: This?

19 MR. JOHNSON: Okay.

20 Q BY MR. JOHNSON: And do you recall anything called a table
21 topper at Amazon?

22 A Yes.

23 Q Okay. And what was that to your understanding?

24 A In the cafeteria and the breakroom.

25 Q Okay. And -- and what -- what would it be in the

1 cafeteria or breakroom?

2 A I think it was on this -- this thing that was sitting up
3 or on the -- I can't remember. But I remember seeing it.

4 Q Sure. Well, let me ask it to you this way. I mean, were
5 these basically flyers that Amazon would put in a breakroom or
6 a cafeteria, for instance?

7 A Yes, I've seen it.

8 Q Okay. And you -- you've seen that they've used that, you
9 know, since the facility opened?

10 A Have I seen it since when?

11 Q Well, how -- well, how long -- when's the first table
12 topper of any time that you -- of any time that you've ever
13 seen?

14 A I can't remember. I just noticed that one because they
15 were everywhere.

16 Q Oh, okay. Okay.

17 A I mean, I remember because I've -- I notice them because
18 they were everywhere so.

19 Q Okay. Is this one of the ones that was everywhere the
20 "How to Vote"?

21 A It looks -- it looks like it.

22 Q Okay. So do you recall that this is one of the ones that
23 you've seen at some time during your employment at Amazon
24 inside the BHM1 facility?

25 A Um-hum.

1 Q Is that -- sorry. We just have a transcript, so you have
2 to say sort of yes, or no, or else the transcript's going to be
3 messed up.

4 A Yes, it looks like the format that they had at Amazon.

5 Q Okay.

6 MR. JOHNSON: With that, I'd like to move this Employer
7 exhibit into evidence.

8 HEARING OFFICER MEYERS: Which number did we give that
9 one?

10 THE BAILIFF: 4.

11 HEARING OFFICER MEYERS: Exhibit 4, is there any objection
12 from the Petitioner?

13 MR. BRODERDORF: No objection. This -- Employer 4?
14 I've -- I've already had --

15 THE BAILIFF: Employer --

16 MR. BRODERDORF: -- I have -- okay. Got it.

17 **(Employer Exhibit Number 4 Received into Evidence)**

18 MR. JOHNSON: Okay. We can take that one down. I think
19 that's -- I want to say that's it on the exhibits but.

20 Q BY MR. JOHNSON: So let me just ask you a few brief
21 questions. You testified about security cameras?

22 A Yes.

23 Q Okay. Now, the security cameras that you knew about, they
24 couldn't see any employees inside the tent, right?

25 A I don't know.

1 Q Okay. So you don't know one way or another?

2 A Because the thing is the -- the mailbox is pushed in the
3 back of the tent. So the cameras can see people going in.
4 They can see who's walking in the -- in the job.

5 Q Okay. But you're -- sorry. I didn't want to interrupt or
6 were you done?

7 A Yes.

8 Q Okay. So I guess, my question to you is were you aware of
9 some security camera that could see inside the tent?

10 A No, not specifically. But I know that there are cameras
11 out there and they survey the whole parking lot.

12 Q Okay. And are those the cameras that are attached to the
13 wall of the BHMI facility?

14 A Yes. Those are the ones that I've noticed.

15 Q Okay. And you don't have any personal knowledge, any
16 facts that you know of that Amazon was definitely watching who
17 was coming into to the tent to vote, right?

18 A No, I don't have any facts that they were watching them.

19 Q Okay. And employees could go in the tent just to look at
20 the mailbox, right?

21 A I don't know.

22 Q Okay. Did you ever go in the tent yourself just to see
23 what was in there up --

24 A Absolutely (audio interference).

25 Q -- close?

- 1 A No.
- 2 Q Okay. So did you see any other employees going in and --
- 3 and leaving from the tent?
- 4 A Yes.
- 5 Q Okay. And you did -- didn't know what they were doing in
- 6 there? They could have been mailing their electric bill,
- 7 right?
- 8 A No. They had ballots in their hands.
- 9 Q Oh, okay. So they all had ballots?
- 10 A Yeah.
- 11 Q Every single person that you saw using that tent had a
- 12 ballot?
- 13 A Yes.
- 14 Q Okay. And how many people were -- were -- was there?
- 15 A I don't have a number.
- 16 Q Well, let -- would it be less than 20?
- 17 A I don't have a number.
- 18 Q Okay. So would it be fewer than 100 people?
- 19 A Yes.
- 20 Q Okay. All right. You were able to mail your ballot as
- 21 you chose, right?
- 22 A That's correct.
- 23 Q And as far as you knew anyone who used that mailbox could
- 24 be voting yes or no, right?
- 25 A That's correct.

1 Q Just a few more questions. Okay. So did -- if you
2 remember and we can pull it back up on the screen if you want
3 to see it again. The offer talks about, you know, contact your
4 manager or HR if you want more details. Do you recall that
5 from Union Exhibit 18?

6 A That's correct.

7 Q Okay. And did you ever get in touch with anybody to find
8 out any more details on the offer?

9 A No, I didn't because I wasn't interested.

10 Q Okay. That's fair enough. All right. So the -- in terms
11 of the offer, you wouldn't know whether it was specific to just
12 BHM1 or whether it was nationwide for all fulfillment centers;
13 would you?

14 A That's correct.

15 Q I'm sorry.

16 A I didn't -- I didn't know if it was for all. No, I
17 didn't.

18 Q Okay. And so just to be fair, you didn't know which
19 facilities the offer applied to and which it didn't apply to,
20 right?

21 A Well, I knew it applied to us because we received it.

22 Q Right. Okay. But you're absolutely right. Let me ask it
23 to you this way. You didn't know whether or not it applied to
24 any other facilities besides BHM1, right?

25 A No, not at the time that we received it.

1 Q Okay. And did you know -- I mean, did anyone ever make
2 you aware that it dates back to 2014?

3 A No.

4 Q Okay. Do you know the reason why Amazon inter --
5 originally introduced the offer?

6 A Originally before they introduced it to us?

7 Q Right. When it was first --

8 A Oh, I --

9 Q -- (indiscernible)?

10 A No, I just -- that was my first time hearing of it.
11 Before that -- prior to that, I haven't heard anything else
12 about it.

13 Q Okay.

14 A Yeah.

15 Q Okay. That's fair enough. And I -- I assume you had --
16 well, you've never reviewed the eligibility requirements for
17 the offer in, you know, the offer documents that are more
18 detailed, right?

19 A The ones that we were emailed, I -- I went over that
20 several times.

21 Q Oh, is that different than Union Exhibit 18?

22 A No, I don't think so.

23 Q Okay. Well, I'm just trying to understand what you did
24 review. So you got Union Exhibit --

25 A Oh, yes, I read that. And I understood to me what it

1 meant. And I wasn't interested in it, so I didn't go and ask
2 them about it. I felt like that was a way to buy employees
3 ballots in the middle of an election. And -- along with other
4 employees. We all felt that way.

5 Q Okay. Well, when you say, we all felt that way, did
6 you -- well, let me scratch that question. You didn't actually
7 go and review any more detailed documents on the offer other
8 than Union Exhibit 18, right?

9 A No, I scrolled -- scrolled down and I glanced through it.
10 But from my understanding, it was an offer -- an exit offer to
11 blue badge associates who's been there through two peak
12 season -- one to two peak seasons. And it was eligi -- it was
13 the -- the blue -- blue badge and part-time was eligible.

14 Q Okay. They were all (indiscernible) make it?

15 A Yeah. So that's -- that was the only thing that really
16 stood -- but I mean, that was self-explanatory, you know.

17 Q Okay. Is it fell -- fair to say that you recall that?
18 That that's what you recall about the offer?

19 A I mean, yes.

20 Q Okay.

21 A Um-hum.

22 Q So you talk about how other employees felt about the
23 offer. How many other employees did you talk to about the
24 offer?

25 A Just -- just a few, about five or six on -- sitting

1 outside on break.

2 Q Okay. And you don't know of anybody who received the
3 offer who was not eligible, right?

4 A I'm not sure.

5 Q Okay. But yet -- so that means as you sit here today, you
6 could not identify a person that you could tell me that person
7 was not eligible for the offer, but they got it?

8 A No.

9 Q Okay. Few questions about the increase. And I'm sorry.
10 I'm a little confused. When were -- was the wage increase of
11 increases that you testified about earlier, when were they
12 announced to you?

13 A I walked in -- it was a -- it was like, a few days after
14 the Union showed up at the entrance gate. And --

15 Q Okay.

16 A -- the security guard that sits in there and does the
17 scanning, see if you got COVID, fever or whatever, he was
18 announcing it to all of us as we were walking in.

19 Q Right. I recall that. But I'm trying to place a month on
20 it. Is that October or September or --

21 A Yes, it was October. It was October -- no -- end of
22 October, I think.

23 Q Okay.

24 A So --

25 Q End of October is when this happened, right?

1 A I'm not sure the correct date. But it -- it -- I know it
2 was -- like, a couple of days after the Union surfaced out --
3 outside. Because I think it's -- yeah.

4 Q So would it be fair to say the last week October?

5 A Yes.

6 Q Okay.

7 A Right. Yeah.

8 Q Okay. Do -- is that your best recollection? It would
9 have been the -- the last week of October?

10 A My best, it would be the last or the first week of
11 November. I'm not sure. But it was -- it was right after
12 the -- the Union showed up outside because everybody was
13 discussing it. So I don't have the -- I -- the -- the exact
14 date, but I know everybody was discussing it saying they
15 wouldn't be giving us this if the Union wasn't out there. And
16 you know -- and they were laughing about it because it was
17 (indiscernible).

18 Q Okay. But I -- I'm just trying to get the day right. So
19 it's the last one --

20 A I don't have -- I don't have the exact date --

21 Q No, I und --

22 A -- (indiscernible).

23 Q Yes, ma'am. I -- I totally understand that. I'm just
24 trying -- so the last week of October or first week of
25 November, somewhere in there; is that fair?

1 A Yes. Um-hum.

2 Q Okay. All right. And so have you ever heard of a -- the
3 step plan applying to wages at BHM1?

4 A No.

5 Q Okay. So then I guess, you wouldn't know how the step
6 plan at BHM1 is administered?

7 A No, other than the poster that they put up. They put a
8 poster up that right after -- a couple days after we heard that
9 we were getting a raise. And they had a big white poster out
10 in the atrium on the window and people were taking pictures of
11 it. It was a scale up to -- raises given to us up to three
12 years. But that was also mentioned in the entire Union meeting
13 from the guy who was teaching. Because I asked him about how
14 many -- about the raises.

15 Q Thank you. And so did you understand that that poster
16 with the different levels of wages, would -- did you understand
17 that was the step plan?

18 A No, I didn't.

19 Q Okay.

20 A Because I --

21 Q So --

22 A -- didn't stay -- stay there to review it. I just --
23 people were standing around. I just saw some of the -- the
24 increases on there. And -- and then, they had the second year,
25 third year, so I just left. I wasn't interested.

1 Q I -- I understand. So would it be fair to say you didn't
2 look at it too closely, that poster?

3 A No, I didn't.

4 Q Okay. And do you know whether or not the step plan
5 applies nationwide?

6 A No, I don't.

7 Q And do you know how if at all it relates to how long an
8 employee has worked for Amazon?

9 A No, not according to that.

10 Q Okay.

11 A But I was -- it was talked about in the meeting, anti-
12 Union meeting.

13 Q Okay. Well, just going back to that meeting, did they
14 explain to you that the step plan applies according to how long
15 an employee has worked at Amazon?

16 A No.

17 Q Okay. They didn't explain that to you? What did they
18 explain to you in that meeting?

19 A I asked him about the raises at Amazon. And he says your
20 raises stop in three years. And people in the room started
21 looking around. And I said, three years. And he said, yes.
22 He said, we don't want to continue giving you raises because we
23 expect you to be promoted, to move up.

24 Q Oh, because then you won't be at -- you'll be on -- if
25 you're there for longer than three years, you'll -- at that

1 point, you'll be a supervisor off the step plan?

2 A That's exactly what he said -- he didn't say step plan.
3 He just said your raises stop in three years. And -- and I
4 said three years. He said, yes, why would we continue to give
5 you raises if you're going to move up in the company.

6 Q Okay. Okay. You mentioned some kind of different items
7 that were given out as part of the campaign. Do you recall
8 that --

9 A Um-hum.

10 Q -- testimony?

11 A Yes.

12 Q Okay. And forgive me if I'm wrong, but it sounded like
13 you said you've been employed at Amazon for like a year and a
14 month? And do I have that right?

15 A No, a year and a couple of days.

16 Q Year and a couple days. So -- so -- so basically since
17 May --

18 A Um-hum.

19 Q -- of -- of 2020; am I correct?

20 A Yes, May 1st.

21 Q Okay. All right. So before the Union appeared in October
22 of 2020 and the -- you know, your -- your testimony related to
23 that, do you recall something called a launch shirt that you
24 got?

25 A A what shirt?

1 Q A launch shirt.

2 A Launch?

3 Q Launch. Sorry, I didn't --

4 A Oh, I --

5 Q -- L-A-U- --

6 A -- no --

7 Q -- N-C-H.

8 A -- I didn't get it.

9 Q Okay. Do you -- or do you -- but are you familiar with

10 it?

11 A No, I don't think so.

12 Q Okay. So you've never heard of a launch shirt?

13 A No.

14 Q Okay. Have you ever heard of a launch lanyard?

15 A I don't know about the launch lanyard, but I know of -- we

16 got so many lanyards so.

17 Q Okay. They give out lanyards all the time, right?

18 A Yes, that's correct.

19 Q Okay. And so how about a launch water bottle?

20 A I haven't seen that one either.

21 Q Okay. How about something known as a teal summer shirt?

22 A A teal summer shirt. I -- I have a summer shirt. But

23 it's peach.

24 Q Oh, okay. Was that an Amazon-issued shirt?

25 A No, safety.

1 Q Oh, safety. Okay. Because you -- was that for an award
2 or because you work in a certain role?

3 A No, they were just coming around, giving them to employees
4 that they -- they didn't have to discipline about anything. So
5 they were given as an award so.

6 Q So people who had a good safety record would get this
7 shirt?

8 A Well, if they were coming around and then -- they didn't
9 catch you hair down and you weren't doing anything that they or
10 when they came around, you would be pointed out, you know, give
11 this person their -- you -- we -- you know, you've done a good
12 job.

13 Q Right. So in other words, you were -- you were acting in
14 a safe manner, so you would get this shirt --

15 A Yes.

16 Q -- is that right?

17 A Um-hum.

18 Q Okay. Thank you, ma'am. And so are you aware of anything
19 called an Amazon gold shirt?

20 A I've seen the shirt. But I -- no, I haven't seen the
21 shirt. No.

22 Q Okay. How about a lunar shirt?

23 A Lunar, lunar, yes, I've seen that one with the rocket.

24 Q Okay. And -- and when -- what did they give that shirt
25 out about?

1 A I have no idea.

2 Q Okay. But you know --

3 A I guess no --

4 Q -- they give them?

5 A Yeah, I see different people with different shirts that
6 I've never gotten. So it's, you know -- different people get
7 them, different departments.

8 HEARING OFFICER MEYERS: Can we -- can we stop one second?
9 I just -- I should always let my bailiff do this. I just let
10 Darryl Craig and somebody else in, at least one of them is a
11 witness.

12 THE BAILIFF: Yeah, I -- I -- I kicked them back out
13 again.

14 HEARING OFFICER MEYERS: Thank you. I'm sorry. I'm just
15 say them sitting in the waiting room. And I let them in. I
16 apologize for interrupting. I just wanted to make sure that I
17 didn't spoil it.

18 MR. ROUCO: Well, let -- let me take a quick break and
19 communicate with him that his kicking off was -- what the
20 purpose of that was and why. Okay?

21 MR. JOHNSON: I -- that's fine with us. I mean, Richard,
22 can you just tell everybody witness-wise not to talk to each
23 other?

24 MR. ROUCO: Well, no, I mean -- what -- the -- the -- you
25 know, I -- I -- I asked him to sign on because I thought we'd

1 be done by 3:30. And he was on --

2 MR. JOHNSON: Okay.

3 MR. ROUCO: -- and then he was let in. So --

4 MR. JOHNSON: I -- I understand. I'm not --

5 MR. ROUCO: Now, he's been kicked off. And I want to make
6 sure he doesn't disappear.

7 MR. JOHNSON: Got it.

8 HEARING OFFICER MEYERS: Could you -- could you text him
9 or email him? Do you need to take a break?

10 MR. ROUCO: Yeah, I'll text him actually. That's --

11 HEARING OFFICER MEYERS: Okay.

12 MR. ROUCO: -- a good idea. You can keep going, I guess.

13 MR. JOHNSON: Well, I don't want to prejudice you by doing
14 anything --

15 MR. ROUCO: No, you're not prejudice me. I'm fascinated
16 with all the colored shirts so.

17 MR. JOHNSON: I can't do two things at once, Ms. Bates.
18 I'm just telling you that right now.

19 MR. ROUCO: All right.

20 Q BY MR. JOHNSON: So are you familiar with something known
21 as a prime shirt?

22 A Prime, yes.

23 Q And those are also shirts the Employer gives out at BHM1,
24 right?

25 A Yes, during prime.

1 Q Okay. And whe -- and -- and prime in 2020, didn't that
2 occur in like, October?

3 A Um-hum.

4 Q I'm sorry, was that a yes, or a no?

5 A Yes.

6 Q Okay. And then, are you familiar with something known as
7 a Warriors at Amazon pin?

8 A Warriors at Amazon, I think that's the campaign that they
9 just lau -- they just launched.

10 Q Okay. So that's -- would you say that that -- your
11 knowledge of it, it started in 2021?

12 A Yes. Well, from my understanding at the BHM1, we just got
13 a message about it. I think I saw it on my A to Z app.

14 Q Okay. How about --

15 A Also behind the bathroom stall door.

16 Q Right. Because they advertise Warriors at Amazon in
17 the -- on the bathroom stall, right?

18 A They just did it, yes.

19 Q Okay. And how about a Warriors at Amazon shirt?

20 A I've haven't seen that.

21 Q And how about a GlAmazon pin?

22 A I haven't seen that.

23 Q How about a GlAmazon shirt?

24 A I haven't seen it.

25 Q How about Latinos at Amazon pin?

- 1 A Pin?
- 2 Q Pin. Yes, ma'am, a pin.
- 3 A I've seen the pin.
- 4 Q Okay. And that pin was in existence, you know, before
- 5 October, right, before October 2020?
- 6 A Yes.
- 7 Q And are you familiar with a character or a mascot known as
- 8 Peccy?
- 9 A Teccy?
- 10 Q Peccy.
- 11 A Peccy?
- 12 Q P-E-C-C-Y.
- 13 A No.
- 14 Q Okay. And was there any safety pins other than -- outside
- 15 of the safety shirt, did people get safety pins for anything?
- 16 A I haven't -- no, I don't know.
- 17 Q Okay. On day 1, did you get a special lanyard for that,
- 18 day 1 of your employment?
- 19 A Yes.
- 20 Q Did you get a water bottle then?
- 21 A Yes.
- 22 Q Okay. Have you ever gotten a red hoodie from Amazon?
- 23 A No.
- 24 Q Do you know anybody who has?
- 25 A No.

1 Q Okay. How about a "We Are BHM1" shirt, do they give those
2 out?

3 A I've seen people with them, but I don't have one.

4 Q Okay. And that was before October 2020, correct?

5 A So that was after -- during the election.

6 Q And so that -- your testimony is that started with the
7 election campaign?

8 A Yes.

9 Q Okay. And you were given -- the ones that you personally
10 have received on this list, Amazon management gave you the
11 shirts and pins and water bottles, right?

12 A No, safety gave me the safety shirt. HR gave us shirts,
13 lanyards, and water bottles sometimes in the cafeteria.
14 Management gave them to us outside in the parking lot.
15 Management gave them to us when we had reached certain records,
16 we'd get T-shirts and bottles (indiscernible).

17 Q And I'm sorry, I didn't want to cut you off.

18 A Vendor book.

19 Q Yeah. And then -- sorry, I didn't understand that last
20 part. I guess, my computer cut out. What was the last thing
21 you were talking about?

22 A The manager gives us shirts when we reach certain targets
23 in our work area.

24 Q Okay. It sounded like vender box.

25 A Vendor book.

1 Q And what is a vendor box?

2 A That you use in the vending machine to get potato chips
3 and candy and stuff.

4 Q Okay. And that was in existence before October 2020,
5 right?

6 A Yes, the vendor books, um-hum.

7 Q And doesn't Amazon basically give away swag throughout the
8 year?

9 A I know of T-shirts -- T-shirts and lanyards, I've gotten a
10 cap before.

11 Q Okay.

12 A A pin --

13 Q Okay. I'm sorry, I didn't mean to cut you off. And you
14 got a pin before, right?

15 A Yes, uh-huh.

16 Q And you've seen other people get these too, right?

17 A Yes.

18 Q And it's a common -- it's been a common practice since
19 BHM1 opened, right?

20 A Yes.

21 Q Okay. Do you know if this kind of swag is given away at
22 other Amazon locations or not?

23 A No, I don't.

24 MR. JOHNSON: Can I take one second to see if I'm done,
25 Hearing Officer, off the record, for like two minutes

1 HEARING OFFICER MEYERS: Yes. But just for the record,
2 let me clarify when -- Ms. Bates, when you said that they've
3 given out pins, was that an ink pen or is that the type of pin
4 that you would wear on a shirt?

5 THE WITNESS: Yes, a pin that you -- it's a little
6 Amazonian figurine --

7 HEARING OFFICER MEYERS: Okay.

8 THE WITNESS: -- and you pin it on your shirt.

9 HEARING OFFICER MEYERS: All right. Thank you. Sorry, I
10 just -- as a Southerner, although not an Alabamian, I just
11 would like to clarify what kind of pen we were talking about.

12 Yes, take two minutes to figure out if you have more
13 questions.

14 Q Thank you.

15 (Off the record at 4:41 p.m.)

16 HEARING OFFICER MEYERS: Back on the record. We were on
17 the record. I don't think we ever went off. But go ahead and
18 proceed.

19 MR. JOHNSON: Sure.

20 **RESUMED CROSS-EXAMINATION**

21 Q BY MR. JOHNSON: The Amazon figure on the pin, what does
22 that look like?

23 A A small orange -- it looks like a Pac-Man.

24 Q Okay. Did you --

25 A Not a Pac-Man but the little ghost that they -- like in

1 orange.

2 Q Like Inky, Blinky, Pinky, the Pac-Man ghosts? Okay. And
3 do you know the name of that figure or not?

4 A No, I don't -- I never knew the name of it.

5 Q Okay.

6 MR. JOHNSON: No further questions now, Hearing Officer,
7 for my cross.

8 HEARING OFFICER MEYERS: Any redirect, Mr. Rouco?

9 MR. ROUCO: I have about an hour's worth, Ms. Meyers.
10 Just kidding. No. No, Your Honor.

11 HEARING OFFICER MEYERS: Okay.

12 MR. ROUCO: Jennifer's eyes went like this, the other one
13 like that.

14 HEARING OFFICER MEYERS: Okay.

15 MR. ROUCO: I was going to ask about the sizing of the
16 shirts, but I figured, you know, you wouldn't know a lot about
17 that.

18 HEARING OFFICER MEYERS: Ms. Bates, I think he is joshing
19 with you. Thank you very much. I appreciate your time here
20 today. Just as a reminder, you -- the parties both rule of
21 sequestration. Please do not discuss your testimony with any
22 other individuals, potential witnesses. We appreciate your
23 time. You are being released subject to recall. The parties
24 may want to call you back later, but we won't know that until
25 later. And we'll give you plenty of warning. But we do

1 appreciate your time. Thank you very much. And with that,
2 you're done for at least today. We appreciate it. Thank you.

3 THE WITNESS: Thank you.

4 MR. JOHNSON: Yeah.

5 HEARING OFFICER MEYERS: All right.

6 Richard, do you want to call somebody else? We'd probably
7 get about 45 minutes' worth of testimony. Do you think you can
8 at least finish direct and then we can give the Employer time
9 to look through --

10 MR. ROUCO: Well, yeah. I mean, we can probably do
11 direct, but my preference would be -- well, I guess I can put
12 him on and -- is there any way we can get the witness done
13 because he's taken the day off, and you know if it's -- if it's
14 possible to get him -- it's 4:43 your time, right? So.

15 HEARING OFFICER MEYERS: How -- how long?

16 MR. ROUCO: I think he'll be -- I think his direct will be
17 half an hour. I mean, he's a little -- I think he's a little
18 shorter than the other witnesses but I don't know -- I don't
19 know what cross is going to be like.

20 HEARING OFFICER MEYERS: Okay. Well, we will attempt --
21 we will attempt to get through him. But you know, I could push
22 until probably about 5:50 my time, but after that, then I get a
23 charge for not showing up, which is not my preference.

24 MR. JOHNSON: Well, can I just be heard on this for two
25 seconds?

1 HEARING OFFICER MEYERS: Sure.

2 MR. JOHNSON: One, you would probably want to take a break
3 after the person testifies. And two, is the cross-examination
4 is going to be sort of proportional to what you've just heard.
5 And I don't want to put Mr. Rouco or you, Madam Hearing
6 Officer, in the position where, you know, people miss
7 appointments or anything like that. So you know --

8 MR. ROUCO: Let me ask you this, well, you all know it's
9 Darryl Craig (phonetic). I mean, it's no surprise who the next
10 witness is going to be. I just don't want him to burn another
11 day, Harry. You know, he's -- he's taken today off, and I
12 think he's using -- I think they're going to make him use PTO
13 or something like that, and I hate for him to have to burn
14 another day if we push him to tomorrow. If you can get with
15 your client and say that this will be just an excused absence,
16 but he won't be charged any PTO, I'll talk to him about doing
17 it tomorrow.

18 MR. JOHNSON: Okay. Well, I think -- let's just try and
19 get it through today and power through then --

20 MR. ROUCO: All right.

21 MR. JOHNSON: -- just because I'm not going to be able to
22 get back to you on any of this.

23 MR. ROUCO: Okay.

24 HEARING OFFICER MEYERS: Okay. So let's get the -- let's
25 see how far we can get.

1 MR. ROUCO: You can put him -- yeah. He should be in the
2 waiting room.

3 HEARING OFFICER MEYERS: I don't know. (Indiscernible)
4 took the -- took that authority away from me but I don't see
5 him in the waiting room.

6 MR. ROUCO: He's not in the waiting room?

7 THE BAILIFF: He's not in the waiting room.

8 MR. ROUCO: Oh Lord. All right. Let me -- let me see if
9 I can get him. He was on there. He's -- he's one of the ones
10 that got in by mistake and then kicked off, so.

11 Let me get -- let me see -- Madame Hearing Officer, can I
12 have like two minutes to see if I can reach this witness?

13 HEARING OFFICER MEYERS: You certainly may.

14 MR. ROUCO: Okay.

15 (Off the record at 4:46 p.m.)

16 MR. ROUCO: Okay. I reached him, Kerstin. Look, I think
17 it's best, if it's okay with you, that we just adjourn for
18 tomorrow, and I'll have him first thing tomorrow morning.

19 HEARING OFFICER MEYERS: Okay. Mr. Johnson, are you here?
20 Is that -- are you amenable to that?

21 MR. JOHNSON: Yes.

22 HEARING OFFICER MEYERS: All right. So as the evening
23 wears late, and the witness was let in and kicked out -- we are
24 I think still on the record. Are we on the record?

25 THE COURT REPORTER: Yes.

1 HEARING OFFICER MEYERS: Okay. With that, we will adjourn
2 until tomorrow at -- yes, Mr. Johnson?

3 MR. JOHNSON: I just wanted to make sure -- this is a
4 question for the court reporter. Were you able to access our
5 exhibits at this point?

6 THE COURT REPORTER: I have been sent the link to do so.
7 I haven't checked it but I -- they have sent me the link. So
8 I'm sure I'll be able to get in now.

9 MR. JOHNSON: Okay. Thank you.
10 Sorry, ma'am.

11 HEARING OFFICER MEYERS: Okay.

12 MR. ROUCO: Harry, this is Richard. I mean, if you all
13 had more exhibits that you're going to use to cross witnesses,
14 I'll try go get these exhibits to them, so they have it in
15 front of them. But --

16 THE COURT REPORTER: Okay.

17 HEARING OFFICER MEYERS: I think it's probably actually
18 easier to share it on the screen, rather than email it to them,
19 unless they have a computer.

20 MR. ROUCO: Okay.

21 HEARING OFFICER MEYERS: And even if they have to have a
22 computer, unless they've got two screens -- well, I guess it
23 doesn't matter if they've got two screens because your video
24 comes separately but I'm sorry. I just realized, I'm not even
25 on video. My apologies.

1 MR. ROUCO: Okay.

2 HEARING OFFICER MEYERS: So it might be easier for us to
3 share it on the screen just because that way we could be sure
4 that they're actually looking at it. Because that way we don't
5 get confused as to which exhibit.

6 MR. ROUCO: That works.

7 HEARING OFFICER MEYERS: So let's do it that way, unless
8 it becomes a problem. We can always change midstream.

9 With that, we will adjourn until -- we start at 9 Central
10 time. Does that work for you, Mr. Johnson? So it's 7 your
11 time, right?

12 MR. JOHNSON: Yeah. That's when I started today. Yeah.
13 That's when I can start so --

14 MR. ROUCO: We're good to start at 9:30 if you want.
15 We're not -- you know, I don't want --

16 MR. JOHNSON: I'm fine with that if the hearing officer
17 is. I mean, I'm not --

18 HEARING OFFICER MEYERS: I want to get finished with this
19 before -- I would like to at least finish with the presentation
20 of the evidence.

21 MR. ROUCO: We will -- the Union will finish its case this
22 week. I'm confident about that.

23 MR. JOHNSON: Any predictions, Richard?

24 MR. ROUCO: My prediction is this -- no later than -- we
25 won't run any later till -- well, I should -- let me backtrack

1 on that, no later than Monday, we will be done with our case.
2 So if the company wants to put on a weeks' worth -- we're
3 scheduled till -- through May 28th, right, is the Zoom thing,
4 right? So I'm hoping we don't have to go through May 28, but
5 we should be done with ours by the end of May 17, next Monday,
6 if not sooner. Because I mean, once you get momentum, you
7 know, the witnesses start to come a little quicker. The first
8 day is always a little slower.

9 MR. DAVIES: Eternal optimist.

10 MR. JOHNSON: I agree with George, Richard. I've never
11 seen a hearing go as quickly as I thought it would go. But you
12 know, more power to you.

13 HEARING OFFICER MEYERS: Well, if we could aim to at least
14 wrap up the Union's evidence by next Wednesday, that would be
15 (audio interference).

16 With that in mind, we will adjourn until tomorrow at 9
17 a.m. Central time which is 10 a.m. my time and 7 a.m. Mr.
18 Johnson's time. Until then, I will see you all tomorrow. We
19 are adjourned.

20 MR. ROUCO: Thanks.

21 **(Whereupon, the hearing in the above-entitled matter was**
22 **recessed at 4:54 p.m. until Tuesday, May 11, 2021 at 9:00 a.m.)**

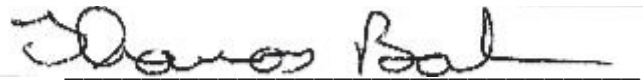
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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 11, Case Number 10-RC-269250, Amazon.com Services LLC and Retail, Wholesale and Department Store Union, held at the National Labor Relations Board, Region 10, Peachtree Summit Federal Building, 401 W. Peachtree Street, NE, Suite 2201, Atlanta Georgia, 30308, on May 10, 2021, at 10:08 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



THOMAS BAKER

Official Reporter